Fifth Series Vol. LVI - No. 20

Wednesday, February 4, 1976
Magha 15, 1897 (Saka)

LOK SABHA DEBATES

(**Fifteenth Session**)

(Vol. LVI contains Nos. 11 - 20)

LOK SABHA SECRETARIAT
NEW DELHI

Price : Rs. 2.00

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LOK SABHA

Wednesday, February 4, 1976/Magha 15, 1897 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

PAPERS LAID ON THE TABLE

REVIEW AND ANNUAL REPORT, ETC. OF CENTRAL INSTITUTE OF PLASTICS ENGINEERING AND TOOLS, GUINDY, MADRAS FOR 1974-75

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI P. C. SETHI): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(1) Review by the Government on the working of the Central Institute of Plastics Engineering and Tools, Guindy, Madras for the year 1974-75.

(2) Annual Report of the Central Institute of Plastics Engineering and Tools, Guindy, Madras, for the year 1974-75, along with the Audited Accounts. [*Placed in Library. See* No. LT-10321/76.]

NOTIFICATIONS UNDER ALL-INDIA SERVICES ACT

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND

ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): I beg to lay on the Table a copy of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All-India Services Act, 1951:—

(1) The Indian Administrative Service (Fixation of Cadre Strength) Second Amendment Regulations, 1976, published in Notification No. G.S.R. 25(E) in Gazette of India, dated the 17th January, 1976.

(2) The Indian Administrative Service (Pay) Second Amendment Rules, 1976, published in Notification No. G.S.R. 26(E) in Gazette of India, dated the 17th January, 1976.

(3) The Indian Forest Service (Fixation of Cadre Strength) Second Amendment Regulations, 1975, published in Notification No. G.S.R. 71 in Gazette of India, dated the 17th January, 1976.

(4) The Indian Administrative Service (Pay) Twenty-first Amendment Rules, 1975 published in Notification No. G.S.R. 74 in Gazette of India, dated the 17th January, 1976. [*Placed in Library. See No. LT-10322/76.*]

NOTIFICATION UNDER CUSTOMS ACT

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I beg to lay on the Table a copy of Notification No. G.S.R. 62(E) (Hindi and English versions) published in Gazette of India, dated the 2nd February, 1976

making certain amendment to Notification No. G.S.R. 4(E) dated the 1st January, 1976, under section 159 of the Customs Act, 1962 together with an explanatory memorandum. [*Placed in Library. See No. LT-10323/76.*]

REVIEW AND ANNUAL REPORT, ETC. OF NATIONAL SEEDS CORPORATION LTD., NEW DELHI FOR THE YEAR ENDING 31ST MAY, 1974

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI ANNASAHEB P. SHINDE): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(1) Review by the Government on the working of the National Seeds Corporation Limited, New Delhi, for the year ended 31st May, 1974.

(2) Annual Report of the National Seeds Corporation Limited, New Delhi, for the year ended 31st May, 1974 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library. See No. LT-10324/76.*]

CORRIGENDA TO STATEMENT EXPLAINING REASONS FOR NOT LAYING TARIFF COMMISSION'S REPORT ON THE PRICE STRUCTURE OF INDUSTRIAL ALCOHOL WITHIN PRESCRIBED PERIOD

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): I beg to lay on the Table a Corrigenda (Hindi and English versions) to the statement laid on the Table of Lok Sabha on the 20th January, 1976 explaining the reasons for not laying before Lok Sabha the report of the Tariff Commission on the price structure of Industrial Alcohol within the period prescribed by sub-section (2) of Section 16 of the Tariff Commission Act, 1961. [*Placed in Library, See No. LT-10325/76.*]

REVIEW AND ANNUAL REPORT OF CASHEW CORPORATION OF INDIA LTD., NEW DELHI AND OF TEA TRADING CORPORATION OF INDIA LTD., CALCUTTA, FOR 1974-75

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI VISHWANATH PRATAP SINGH): I beg to lay on the Table a copy of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(1) (i) Review by the Government on the working of the Cashew Corporation of India Limited, New Delhi, for the year 1974-75.

(ii) Annual Report of the Cashew Corporation of India Limited, New Delhi, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library. See No. LT- 10326/76.*]

(2) (i) Review by the Government on the working of the Tea Trading Corporation of India Limited, Calcutta, for the year 1974-75.

(ii) Annual Report of the Tea Trading Corporation of India Limited, Calcutta, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library. See No. LT-10327/76.*]

ANNUAL REPORT (PART II) OF REGISTRAR OF NEWSPAPERS FOR INDIA ON PRESS IN INDIA, 1973

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): On behalf of Shri Dharam Bir Sinha, I beg to lay on the Table a copy of the Annual Report (Part II) of the Registrar of Newspapers for India on Press in India, 1973. [*Placed in Library See No. LT-10328/76.*]

11.02 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

(i) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Industrial Disputes (Amendment) Bill, 1976, which has been passed by the Rajya Sabha at its sitting held on the 2nd February, 1976."

(ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 2nd February, 1976, agreed without any amendment to the Press Council (Repeal) Bill, 1976, which was passed by the Lok Sabha at its sitting held on the 28th January, 1976."

(iii) "In accordance with the Provisions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 3rd February, 1976, agreed to the following amendment made by the Lok Sabha at its sitting held on the 30th January, 1976, in the Motor Vehicles (Amendment) Bill, 1976:—

Enacting Formula

That at page 1, line 1,—

for "Twenty-sixth"

substitute "Twenty-seventh".

(iv) "In accordance with the provisions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha. I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 3rd February, 1976, agreed to the following amendment made by the Lok Sabha at its sitting held on the 30th January, 1976, in the Equal Remuneration Bill, 1976:—

Enacting Formula

That at page 1, line 1,—

for "Twenty-sixth"

substitute "Twenty-seventh".

11.04 hrs.

INDUSTRIAL DISPUTES (AMENDMENT) BILL

AS PASSED BY RAJYA SABHA

SECRETARY-GENERAL: Sir, I lay on the Table of the House the Industrial Disputes (Amendment) Bill, 1976, as passed by Rajya Sabha.

COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

(i) MINUTES

SHRI S. M. SIDDAYYA (Chamarajanagar): I beg to lay on the Table Minutes of the sittings of the Committee on Absence of Members from the Sittings of the House held on the 23rd January, and 3rd February, 1976.

(ii) TWENTY-FOURTH REPORT

SHRI S. M. SIDDAYYA: I beg to present the Twenty-fourth Report of the Committee on Absence of Members from the Sittings of the House.

COMMITTEE ON GOVERNMENT ASSURANCES

FIFTEENTH REPORT

SHRI B. K. DASCHOWDHURY (Cooch-Behar): I beg to present the Fifteenth Report of the Committee on Government Assurances

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11.06 Hrs.

STATUTORY RESOLUTION RE. DISAPPROVAL OF PAYMENT OF BONUS (AMENDMENT) ORDINANCE, 1975 AND PAYMENT OF BONUS (AMENDMENT) BILL— contd.

MR. SPEAKER: Now. further discussion on the resolution moved by Shri Indrajit Gupta, Shri Raghunatha Reddy.

श्री राम रतन शर्मा (बादा) : मैं ने बादा के हरिजनों के कत्ल के सम्बन्ध में 377 का नोटिस दिया है ।

अध्यक्ष महोदय मैं ने उस को मंजूर नहीं किया है ।

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): Sir, I am extremely grateful to the Hon. Members on both sides of the House who have participated in the debate on the provisions of this Bill before the House with a lot of understanding, interest and ability. Our esteemed friend Shri Indrajit Gupta had put forward his case with his usal brilliance and ability. It was indeed a very fascinating speech; but I have to tell my friend with great respect that, unfortunately, his case is based on wrong facts, wrong logic and erroneous appreciation of both national and international economic and political situation. I will be failing in my duty to my friend if I do not say that, once the major premises are based on wrong facts, even if he uses his brilliance and sound logic, only conclusions, which may be astounding even to himself, will follow.

Before I deal with some of the aspects of Shri Indrajit Gupta's case please permit me to emphatically deny some of the observations made by Shri S. M. Banerjee in his speech that Government acted under pressure or on the advice of the monopolists like Tatas. Let me reiterate that the Government, having taken into account the national and internatinal economic situation and the compulsions of economic development which would achieve economic, independence and self-reliance for the country and the logic of our fight against right reactionary forces, have decided on this policy. I can tell you that it is not easy for Government to decide, or for the Labour Minister to agree, to bring this legislation except with a genuine desire to rationalise the law relating to payment of bonus.

I am in full agreement with my good friend, Shri Indrajit Gupta, that, for the purpose of fighting the forces of fascism and right reaction, the rural poor, the middle class, the working class, the intellectuals, the poor peasantry and the totality of the democratic forces must be mobilised and made politically consious of the danger of right reaction. This is exactly what the Government is doing. The Prime Minister's 20-point Economic Programme is essentially meant to correct the imbalances and to generate social forces which would fight against the forces of right reaction and fascism.

May I say with great respect that fascism is counter-revolutionary in essence, but it is also a special historically conditioned form of counter-revolution. Intensification or economic crisis and despair on the part of the capital in finding normal solution for the impasse created by the limitations of investment is one of the basic reasons which would be taken advantage

of by the forces of reaction and fascism. Wherever the forces of fascism have taken advantage of the existing situation, one would see it historically that they take advantage of the economic crisis that develops both at the international level as well as at the national level; that was one of the main ingredients, a fertile ground, which could be exploited by the forces of fascism. That is exactly the situation which the Government wants to avoid and prevent.

That is why, it is the endeavour of the Government to see that investment climate is not only generated but investment potential is created for the purpose of expansion of social investment.

The development of fascism, my good friend Shri Indrajit Gupta knows assumes different forms and patterns in different countries according to historical, social and economic conditions and to the national peculiarities and international position of the given country. We have to clearly understand the political sociology and economic causistry of forces of fascism. For proper appreciation of the social forces, we must have some unerstanding of the social classes in India.

The number of agricultural labour, according to 1971 census, was about 48 millions. According to an estimate, the number of landless share croppers/ tenants is approximately 15 millions. The total number of workmen engaged in organized industries, including the services under the Central and State Governments, quasi-government bodies and local bodies is approximately 20 millions, and factory workers constitute less than one per cent of the total population in India. Statisticians have estimated that the total number of people in India living below poverty line is anywhere between 40 and 50 per cent. This is the political, sociological and historical setting in which the danger of fascism will have to be understood. Therefore, in order to prevent any such situation, planning must succeed not only on the side of demand but also on the side of investment. At the present moment, given the problems of industrial development and the problems in the agricultural and energy sector. I have no doubt, Shri Indrajit Gupta and other friends would agree, that one should give priority to investment side. This is exactly the objective which Government want to achieve by the changes sought to be incorporated in the law. Without economic surpluses, there cannot be any social investment. This is the simple but hard, logic of economic development. If this step is not taken now, we will only be abetting and aiding the forces of fascism.

Demand for economic gains at the stage of economic development at which the majority of the masses are poorer than the organised workforce will isolate the working class. I may say with great respect that I completely subscribe to this proposition. In this connection, may I remind my friends, the leaders of the working class what Marx said:

> "The proletariat has no right to isolate itself; it must, no matter how hard this may appear, reject all that would separate it from its allies."

SHRI INDRAJIT GUPTA (Alipore): That is the bonus!

SHRI RAGHUNATHA REDDY: Government is extremely grateful to the historic role played by the working class in fighting forces of fascism in India. Fascism and right reaction are represented by counter-revolutionary forces like Anand Marg, R.S.S. and others. In this context, I would like to submit that undue emphasis is placed on economism and economic demand for certain sections of people who are employed and whose wages are being revised periodically while leaving large sections of the people helpless in a state of disarray. This would only lead

[Shri Raghunatha Reddy]

to alienation and not consolidation of democratic forces. Economism has a debilitating effect even on the working class.

If the sole purpose of the working class is to gain concessions and reforms resulting in higher wages and better benefits then the war in Vietnam did help many American companies to make enormous profits and the companies in their turn shared their profits with the working class. As a result of economism American trade unions have become the most conservative force in American history.

In this connection, may I quote from the writing of Lenin, one of the greatest leaders that humanity in history has produced. Great Lenin said:

> "For its self-realization, the working class must not only have a theoretical—rather it would be more true to say—not so much a theoretical as a practical understanding, acquired through experience of political life, of the relationships between all the various classes of modern society. That is why, the idea preached by our economists, that the economic struggle is the most widely applicable means of drawing the masses into the political movement, is so extremely harmful and extremely reactionary in practice".

I do not want to say anything more.

There is some misunderstanding about the concept of allocable surplus as it has been used in the Bill and the provisions of the Act. For clarification, I propose to explain that in order to compute the allocable surplus, the first step is to work out the 'gross profit' for the accounting year. As explained in the first schedule (second schedule in the principal Act), the net profit shown in the profit and loss account is taken as the starting point. To this, certain amounts e.g., provision for bonus, depreciation, donation in excess of permissible limits are added back. Similarly, there are some deductable items, e.g., extraneous profits, subsidy etc. This exercise leads to the determination of 'gross profits'.

The second step is to find out the available surplus. This is done by making the following main deductions from on the figure of gross profits: (a) depreciation, (b) development rebate, (c) taxes (d) return on capital, (i) 8.5 per cent in the case of equity capital and (ii) 6 per cent. in the case of reserves. 60 per cent. of the available surplus becomes the allocable surplus as laid down under Section 2(4) of the Payment of Bonus Act, 1965.

Therefore, I would like to make it very clear that under the Bonus Act, on the principle of roll-on, if there is an allocable surplus, even if it is a nominal surplus, on a roll-on basis, over four years the workers are entitled to a minimum bonus of 4 per cent. That is the provision made and I have no doubt in actual practice the leaders and the working class will realise that this is a very beneficial measure Otherwise, in one year you may get a bonus and in another year you may not get it. And this has rationalised the entire concept of bonus on roll-on basis.... (*Interruptions*)

Then, Sir, the question of bonus shares has been raised. Bonus shares are allowed to be allotted under some regulations and procedures governing the same. Those who are acquainted with the procedures of the corporate sector and the Company Law would be able to appreciate that the issue of bonus shares is regulated under some rules and regulations. It is not left to the will and pleasure of the corporate body. It is not as if the company management has been allowed to run amok. The issue of bonus shares *ipso facto* is preceded by profits accomulated in reserves. If there are adequate profits resulting in allocable surpluses, the workers are assured of bonus. Bonus shares add to the capital base, provide for the stability of the corporate body

and assure continued employment and production and in all probability, further surpluses. Therefore, the question that one should ask himself is this. Do you prefer this situation of stability or a situation of unstability? These are the two questions that any leader of the working class should ask himself—whether he would like to have a situation of the stability of the corporate body ensuring the stability of employment and normal employed wages for every month or he would like to have bonus for one year and create a situation of instability leading to losses and no bonus next year and not only that, further leading to a situation of unemployment of the employed. Whether you would like to employ more of the unemployed, it is a different question. This is likely to lead to a situation of making the employed unemployed. This is the most unfortunate situation which is likely to arise.

Then, questions have been raised by my friend, Shri Erasmo de Sequeira—why agreements on the basis of collective bargaining under Section 34(2) have been precluded now? In this context, I would like to submit that in the case of a large number of corporate bodies, the public financial institutions have a substantial shareholding. In fact, those who are acquainted with the working of the corporate sector would know that the stake of the management involved is very negligible in quite a number of very porte bodies ...

SHRI DINEN BHATTACHARYYA (Serampore): Even in the case of ICI and Dunlops. You are talking of stakes Have they got any stake?

SHRI RAGHUNATHA REDDY: I do not think Mr. Bhattacharyya knows anything about the corporate sector. In fact, those who are acquainted with the working of the corporate sector would know that the stake of the management involved is very negligible. Let us assume for the sake of argument that the management and the trade unions come to an agreement with regard to bonus which will wipe out even the capital. If it is an agreement under Section 34(2) and if the sanctimonious principle of collective bargaining, as Mr. Sequeira has suggested, is to be followed then, the management and the trade unions are free to declare any amount of bonus eating away even the capital itself, let alone the reserves...

SHRI INDRAJIT GUPTA: What kind of management is it?

SHRI ERASMO DE SEQUEIRA (Marmagoa): No such thing has ever happened.

SHRI RAGHUNATHA REDDY: While both parties, in such a situation, may be happy in ultimately making gains, the company would go into liquidation. It would not only be a national loss but create unemployment of those employed in the very undertaking itself which has gone into liquidation.

DR. KAILAS (Bombay South): This is what Mr. Sequeira wants—unemployment to go on increasing.

SHRI RAGHUNATHA REDDY: Therefore, bonus has to be regulated by some rules and procedures and law in as much as the issue of bonus shares is regulated Therefore, the argument that has been raised by Mr. Sequeira has no substance and it is only an argument *ad nauseam*. Another question that was prominently raised was why this top limit 20 per cent. is fixed The very same logic would apply to this case also Suppose if economic surpluses are created to what extent should they be utilised for purposes of consumption and what should go into socially desirable channels for economic development? If the entire surplus is to be shared between management and employees of particular undertakings than the question

[Shri Raghunatha Reddy]

of investment does not arise, expansion does not take place and the potential for employment would not go up. Thus while a section of the people in this country may be happy the large section of the people would be left high and dry. This would lead to economics of anti-growth aided and abetted by monopoly capital which would also welcome such a situation.

My friend Mr. Indrajit Gupta no doubt has referred to the crisis of capitalism. This crisis of capitalism in various countries is not confined to one country or the other. It is a crisis of international capitalist system in its political, social and economic aspects, The Cocoyoc Declaration states:

'The problem today is not one of shortage but of economic and social maldistribution and misuse; mankind's predicament is rooted primarily in economic and social structures and behaviour within and between countries.

Much of the world has not yet emerged from the particular historical consequences of almost five centuries of colonial control which concentrated economic ower so overwhelmingly in the hands of a small group of nations. To this day, at least 3/4 of the world's income, investment, services and almost all of the world's research are in the hands of 1/4 of its people.'

Under the illustrious leadership of the Prime Minister, the Government rical consequences of almost five cenabout the necessity of achieving rapid economic development and for achieving selfreliance, economic and technological independence. The Government is also fully aware of warnings given by Cocoyoc Declaration. I quote:

"There is an international power structure that will resist moves in this direction. Its methods are well-known, the purposive maintenance of the built-in bias of the existing international market mechanisms, other forms of economic manipulation, withdrawing or withholding credits, embargoes, economic sanctions, subversive use of intelligence agencies, repression including torture, counter-insurgency operations, even full-scale intervention. To those contemplating the use of such methods, we say: 'Hands off'.'

We have no doubt that the hon. Members would agree when we say 'hands off.'

It would be a complete misunderstanding and misrepresentation of the Government's case to say that the Government is against bonus being given to the workers. In fact the Bill before the House is a legislation relating to providing for bonus on a rational basis. All that the Government states is that in the interest of economic development and continued employment, concerns making losses over a period should not be compelled to pay bonus as that can only be done by eroding the capital base. If surplus is available bonus will follow automatically upto a ceiling of 20 per cent. the logic of which has already been explained by me.

I will illustrate my point. Take the case of National Textile Corporation. There are more than 100 mills employing 1.60 lakhs of persons out of a total workforce of 9 lakhs employed in the entire textile industry. These were taken over in the interest of maintaining employment and production. The total loss incurred by National Textile Corporation during the last 8 months, April to November 1975, is about the order of 46 crores. If bonus at the rate of 8.33 per cent. was to be given to the employees the company would have to bear an additional expenditure of 8 crores. Suppose these mills were closed down for want of finances, ...even if the workers got bonus for one year, they may face unemployment and gain through bonus would have been illusory while unemployment will be a stark reality. I need not multiply instances of this type. They

are far too well-known to be mentioned. Will the hon. Leaders of the working class opt for bonus in preference to employment in such circumstances? This is a question which the leaders of the working class should ask for themselves and find an answer.

I am grateful to my friend, Shri Stephen, who has given a new approach to the problem in his speech yesterday. I cannot but agree fully with what he stated that unless the working class established a hegemony over the process of production and the economy there is hardly and prospect of balanced economic development and growth. We have already in a very realistic way announced the Scheme of 'Workers' Participation in Industry, particularly, in shop floor and plant level. The working class should take advantage of this scheme and must acquire hegemony leading to further evolution of the scheme, which might satisfy my friends, Shri Stephen and Shri Vasant Sathe

Our esteemed friend, Shri Indrajit Gupta, has put forward his case no doubt with utmost brilliance. But, I may tell my hon. friend with great respect once again that his case is not based on facts (*Interruptions*). While I appreciate his brilliance you will permit me to say that we cannot afford to take to populist slogans as convenient to anyone. A responsible Government which has the highest interest of the people at heart, cannot afford to choose populism in place of hard realities of life. It is easy to announce financial policies which may evoke claps. But, this is exactly the type of policy which had been desired by Karl Marx. (*Interruptions*) I quote him

> "Gifts of money and loans on easy terms—such was the perspective with which he hoped to charm the masses. Money given, or money 'lent' without security! These are the beginning and the end of financial science for the slum proletariat, whether dressed in rags or in purple and fine linen. Such were the only motives to which Bonaparte knew how to appeal. Never did any pretender speculate in more stupid fashion upon the stupidity of the masses"

In all humility, I must state again that no responsible Government can follow the path of populism. The time has come in this country when all sections of the Indian society will have to make the necessary sacrifices to make the 20-Point economic programme of the Prime Minister fulfilled reality so that the working class can be assured full employment, economic security, social security in a different type of society that is sought to be created. Then only the problem could be sorted out and not by mere demanding of 4 per cent or a little more than 4 per cent. as bonus.

I move the Bill. Sir, for consideration

SHRI INDRAJIT GUPTA (Alipore): I wish I could compliment the Labour Minister for his not so brilliant exposition of Marxism-Leninism. (*Interruptions.*) Well if he is not a Marxist, he should not trespass into unknown territory.

SHRI N. SREEKANTAN NAIR (Quilon): Some people rush in where angels fear to tread.

SHRI INDRAJIT GUPTA In any case, oldman Marx, sleeping peacefully in this tomb in Highgate cemetery, would, I think, turn in his grave if he heard the way he was being quoted, or rather misquoted.

SHRI S M BANERJEE (Kanpur): He would have come out and beaten him!

SHRI INDRAJIT GUPTA: My friend, Mr Raghunatha Reddy, who has read many of these books, I know, pulled out a quotation of Lenin's from that famous work *What is to be done?*, and tried to show that Lenin had given

[Shri Indrajit Gupta]

a warning of the fate that would overcome the working class if it was sunk in pure economism. But he knows as well as I do that in the history of the Russian Social Democratic Labour Party, as it was then called Lenin was waging an ideological struggle against those people who were advocating that the working class and its trade unions should have nothing to do with politics, that they should confine themselves purely and simply to immediate economic demands. And it was in this context that he wrote *What is to be done?*, it was in this context that he mercilessly criticised those people and said, 'If you want to change the social and economic order, if you want to replace the system of capitalism by a system of socialism, then the working class and its organisations cannot confine themselves only to economic demands and economism, but must concern themselves very much with political issues and take a political stand. What has that got to do with this context in which we are debating this bonus issue?

In this country, some people from the other side complain that the unions in this country are too much politicalised. He is talking now about workers and unions being sunk in economism, but what about the general complaint and propaganda made by so many people in this country that every political party has got a separate trade union organisation of its own, which is also a fact—and a fact which I deplore very much? It is a fact, a historical fact; we cannot overlook it. Therefore, each political party is propagating the politics of its own through its respective trade union among the workers. So people are complaining, and some people demand sometimes that trade unions should be forced to give up politics, and confine themselves only to the question of their living and working conditions. But if they did that, then they would precisely be guilty of that very economism which he is trying to denounce and using Lenin's name for it also.

So please do not take things out of their context, Mr. Raghunatha Reddy. Let those two old men, one at Highgate and the other in Red Square, sleep peacefully. They have done whatever they had to do. Do not disturb them like this.

AN HON. MEMBER: You are disturbing them now.

SHRI INDRAJIT GUPTA: As far as populism is concerned, I do not like to say this, I did not say it in my speech yesterday; but since he is making so much out of this claim of his party that it does not want to go in for populist slogans, I would just remind him of the timing when this announcement of 8.33 per cent was made. When a new decision was taken to raise the minimum bonus from 4 per cent to 8.33 per cent, that was done precisely for populist considerations

THE PRIME MINISTER, MINISTER OF PLANNING, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS AND MINISTER OF SPACE (SHRIMATI INDIRA GANDHI): That is wrong

SHRI INDRAJIT GUPTA: That was done in 1971 on the eve of the general elections, and it was done as a populist slogan to get the votes of the working class. Now because an emergency has come, the elections are being postponed and the rest of it, under the cover of this emergency that 8.33 per cent and even 4 per cent minimum bonus are being done away with. When it suits you, you take to populist slogans; when it is not necessary, you talk against populism.

Now, I do not want to take much time. The point is that he has made some remarkable statements. One was on the issue bonus shares, that because it means capitalising of the reserves, it contributes to the stability of the corporate sector and also generates funds for social investment. And he asked us this question: would you

prefer stability of the corporate sector or would you prefer instability, which will lead to political chaos? What is this corporate sector which you are talking about? You did not say a word about that. Mr. Raghunatha Reddy, as to who are the masters of this corporate sector. You gave only one or two examples from the public sector. But the companies which are floating these bonus shares, as I quoted yesterday, and which have been permitted to issue bonus shares up to the extent of their paid up capital are all private sector firms, big firms of these monopoly tycoons. Are the Government prepared to give a guarantee that the bonus shares which are floated by them and the amounts of money, huge amounts of money, which they take out from the reserves in order to make them into capital, are really being invested for productive, socially productive, purposes? What is being done is that a greater amount of appropriations of these companies will be paid out as dividends to the shareholders who will get bonus shares. So dividend payment will go up, but in your present economy, what steps have Government concretely taken to ensure that this money is utilised for productive purposes? At least, that is not what Mr T A. Pai says I do not know whether Mr Pai is a big Marxist or Leninist, or what he is—I do not know. Perhaps he is not so familiar with Marxism or Leninism as my friend, Mr. Raghunatha Reddy, is But I was glad to see that Mr Pai at least in a forthright manner, has in one or two recent meetings, been compelled to castigate those big owners of the private sector precisely for this, that they are not using these funds for expanding production; they are keeping 50 per cent of their installed capacity idle deliberately; they want to create an artificial shortage to boost up prices and keep their profit rate up He has said to them: 'You go on asking for concessions from Government, and Government have given you many concessions. But in spite of that, you are seeing to it that production does not expand.' These are the people who are issuing bonus shares and then Mr. Raghunatha Reddy gives them a compliment by saying that these bonus shares will strengthen the stability of the corporate sector.

You want to have a big, real debate about all these questions? I cannot go into it on this question of the bonus Bill. I would welcome such a debate. Sometime or other, this Parliament should concern itself with these fundamental, basic, economic questions Unfortunately, in recent years, we have given up debating these questions; there is very little opportunity to debate these things.

Then he gave an example. If the National Textile Corporation Mills have to pay a minimum bonus every year, they will have to close down, which would you prefer—would you prefer the mills functioning without paying bonus or do you insist on bonus and force unemployment on the workers? But why should I answer this question? Am I responsible for the mismanagement and bungling of these mills which had to be taken over by NTC? He knows very well that these mills have been ruined and made bankrupt by their previous owners They stole all the money of those mills and ran away, brought the mills to the verge of closure and Government were compelled to step in and take over those mills. Naturally they are in a rotten shape But am I to blame for that? And because these mills have been mismanaged by their previous owners the entire working class of the country must be made to give up its bonus!—I do not understand this logic and argument at all

Anyway, now one or two other points and I will have done. Quite a lot was said yesterday, today also the Minister has implied it; yesterday it was said openly by some members like Shri Nathu Ram Mirdha who was very much eloquent about the fact, according to him, that people in the cities, particularly the working class in the industrial cities and towns and the

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people who run their trade unions, are suffering from a kind of narrow and sectarian outlook; they do not see the villages, they do not see the miserable conditions of the masses of the villages and so on and that we must learn to have a wide vision, a broad vision like he has and so on. I am surprised that a person like Mr. Mirdha forgot that the overwhelming majority of our working class in this country still comes from the villages and has very close contact with the villages. He should know it. These people come from the poverty stricken villages of Eastern U.P, Northern Bihar and Orissa

SHRI NATHU RAM MIRDHA (Nagaur): But the same man with hammer in the factory is called worker. If that man with a spade works in the village farm, he is called mazdoor.

SHRI INDRAJIT GUPTA You did not understand that the man with the hammer gets some bonus and that bulk of the bonus goes by money order to the village. This you don't remember. I have not got those figures with me now But the Labour Department of the West Bengal Government has compiled statistics to show how many crores of rupees go out by money order from the city of Calcutta to UP, Bihar, Orissa and even to Rajasthan because all the Rajasthanis in Calcutta are not Birlas, Singhanias and Jaipurias. There are other working class people also from Rajasthan and the money orders are going out to all these villages and the families in Bihar and Orissa who are surviving because of these money orders which they get from their relatives who are employed as workers in the mills and factories in Calcutta Where does the bonus go to? Is it not helping the people in the villages?

In Maharashtra, in the industrial complex of Bombay, you will find that the people working there are from the most backward, the most under-developed districts, and the most poverty stricken areas of the States. These people are compelled to go and work in the mills and factories of Bombay city. About six lakh people alone from the Ratnagiri district, which is one of the most backward areas, are employed in Bombay. If they get some money as bonus and transmit a bulk of it by money order to their families who are depending on them in the villages, is that supposed to be a big crime? The hon. Member says that we are not thinking of the social responsibility and the money is swallowed by the people sitting in towns and cities. Who are those people sitting in towns and cities? Our workers have not yet developed as a modern working class as in the Western countries who have nothing to do with the rural country-side. Our working class people are not like that. The people working in the coal-mines and big steel projects are all recruited from round about the country-side and from some other States also So, this is not the way to argue It is the wrong way of arguing. I am sorry that this argument is being put forward in a more sophisticated way The Labour Minister is talking about the social investment and social services being generated This money, the bulk of it, is trickling back to the families and dependents of workers in those villages. You go and talk to the jute workers in Calcutta who are sending money every month, every year to Monghyr district, to Darbhanga, to Muzzaffarpur, to Balia and to all the Eastern districts of UP He does not consider himself to be a full-fledged worker with his base in West Bengal. He has always considered himself as an outsider who has come from UP., Orissa or Bihar or somewhere All his ties are with his village. What is wrong with it if he earns and sends money to his family? Is he not performing a social service? This is a very distorted way of arguing, I must say.

Sir, I am not satisfied with the reply he has given because he says that provided there is an allocable surplus

bonus will be payable to workers in future also. The point I was arguing yesterday was that the existing bonus formula is such that in the majority of cases, no allocable surplus will accrue. Therefore, they will not get any bonus from the next year. And the Majoor Mahajan Sangh of Ahmedabad to which I referred yesterday has sent a letter addressed to Shri Raghunatha Reddy, by the Textile Labour Association, Ahmedabad. The letter reads like this:

> "We have our apprehensions that the fact that in the accounting year 1974, the employees of 61 mills in Ahmedabad were paid minimum bonus. The profits of the accounting year 1975, even though remaining the same as that of 1974, the employees of only four mills will get bonus and the rest of the 61 textile mills' workers will not get any bonus on the ensuing Diwali holidays."
>
> "We have our apprehensions that the Payment of Bonus (Amendment) Ordinance will act adversely against the interests of production, which is the prime need of the day.. "

The profits remaining the same or even increasing, under the new dispensation, no allocable surplus will be got and a majority of workers will not get any bonus. That is the total effect of this Bill and that is why I said that the doing away with the minimum bonus irrespective of profit or loss is not the only mischief of this Bill. In a majority of cases, no bonus will be payable in future. That is why we are so strongly opposed to it.

Some valuable points have been raised by many other members who spoke, including friends on the other side. I would make an appeal to the Government—the Prime Minister is here also. You are going to pass this Bill; we cannot stop it. Having passed it, are you prepared even now to sit down and talk to the central trade unions on this question, whom you have completely bypassed earlier? Questions have been raised, for example, about balance sheets. Have the workers not got the right to have some mechanism to safeguard against the fraudulence of a balance sheet, because you are asking us to depend on some allocable surplus which may flow from the audited and published balance sheets. Yesterday I explained how the balance sheets are cooked up. Everybody knows it. The Chairman of the PAC sitting on my left presented a report only last week to this House, which has enough evidence to show how even a big foreign bank like the Grindlays cooks up its accounts. Even your tax assessors could not catch hold of it and you have lost a huge amount of taxes because they are able to manipulate their accounts. This is just one example. This is being done everywhere. Therefore, this question was raised by many members here supporting the Bill. Should there not be some mechanism whereby the veracity of the balance sheets can be properly checked? Long ago we had raised the demand about nationalising audit. That also you are not willing to accept. You say that the auditing system as it is existing is okay. But the cases in which fraudulent balance sheets are detected are also audited balance sheets. Another point raised is, you should have effective workers' participation. That is, the workers' representatives in those committees should also have the right to go into the accounting system of those companies. This is a demand which every trade union has made, irrespective of its politics, including the INTUC. When the Labour Ministry produced its scheme of workers' participation in management, we were expecting that we would get some satisfaction. But under that scheme, the workers' representatives are to concern themselves only with production. How the company buys its raw materials, where it buys them, what is the pricing policy, what is the costing policy what is the inventory policy, how it is dealing with private contractors—all these matters will not be within the competence of that committee to discuss, under that scheme. Then, where is the check going to come from? Then do not talk about workers' participation. This is one of

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the points of the 20-Point Programme. You are saying that it is not a populist thing. If that be so, then do something more about it. You do not allow that; you do not allow nationalisation of audit and you want us to depend on these audited balance-sheets and when no allocable surplus comes out, no bonus will be given. I do not know whether you can satisfy the workers by reading passages from Karl Marx and Lenin to them. You can try it if you like but you should have your feet on the ground also. But that way, I do not think, you will be able to improve the industrial relations atmosphere very much. I heartily recommend reading Marx and Lenin, nothing better, but with your feet on the ground and not up in the air.

Sir, these points are there to which no satisfactory reply is given. I would say that once you have passed this Bill despite our opposition, it is your responsibility and the responsibility of this Government to sit down with the central trade union organisations and have a discussion in depth with them as to how even within the ambit of this Bill, it will be possible or it may be possible for the workers at least to claim a bonus where it is their due on the basis of the profit made.

Why do you tell me about the National Textile Corporation when I am telling you about the Shipping Corporation of India which has made record profit? For the past three years, they have been paying 20 per cent bonus. And this year having made a record profit, the bonus is to be not more than 4 per cent. The Chairman is running round in circles and says: "I cannot face my employees; what am I going to tell them?" Is this the way of improving industrial relations? They have got enough money, enough resources and they can pay. I do not know why this did not occur to the Prime Minister. If you are afraid of inflation, you could have said and you did on earlier occasions in another context, that all right, if this minimum bonus of 8.33 was given, only 4 per cent out of it would be paid in cash and the remaining part of it would be credited to your provident fund accounts and then the fear of bogey of inflation would not be there. You did it in the Compulsory Deposit Scheme; you did that with the Central Government employees whom you were owing five instalments of dearness allowance and after protracted negotiations, you came to an agreement that you would pay to them not in cash but it would be credited to their provident fund accounts. Why do not you deal with this bonus in that way and take unions into confidence and come to some kind of an agreement? Why do not you take the workers into confidence? We are not insisting that everything should be paid in cash just now. A part of it may be credited and a part of it may be paid. But that is not your philosophy. Your philosophy is what is being expounded by Mr. Raghunatha Reddy—stability of the Corporate sector which means Tata, Birla and Company must be given stability. That is the whole trouble. I do not mind, in a period of emergency if you talk of all-round discipline for everybody. Very good; try to live up to it. Discipline for the workers, discipline for the employers; do it and enforce it with even-handed justice, let me see.

Now after six or seven months of emergency, belatedly after so much howling and shrieking by us, you are bringing forward a limited Bill to say that you cannot close down a factory, you cannot retrench the workers, you cannot lay-off the workers unless Government gives its approval. They have created havoc for the last six months. Did you deal with them the way you dealt with the workers? Your first thought was to attack the workers rights. This way you cannot mobilise popular enthusiasm. And when you are talking about discipline, discipline should be for everybody. Discipline for the workers, discipline for the students, discipline for the Parliament.

all is being done, but no discipline for the big tycoons of the monopoly sector.

I hope the Prime Minister, at some suitable time and occasion—I leave it to her—will also react, publicly, to this kind of insufferable, insolent propositions which are being made by these American organizations and business-men who have come to our country to talk with our people in this Indo-U.S. Business Council. They are not satisfied with all this. They want something more, they are demanding that we should give up all our national sovereignty. You read Mr. Orwell Freeman's speech. He says that multi-national corporations must be allowed to penetrate everywhere. We are already bowed down under the load of our own Tatas and Birlas. If on top of that, multi-national corporations also come in, then I do not know what will be left of us, or of anybody in this country. So, I urge upon the Government, I appeal to the Government—there is nothing more that I can do—that even after getting this bill passed, don't treat this bonus as a closed chapter. Every year, Durga Puja, Diwali, Id, Pongal and everything will come round. These are also customs in our country, over which you cannot ride rough-shod in the space of a few months. There are social and religious traditions in our country. These religious festivals have got some meaning in the social life of the people and the workers. It has become customary for them and their families to indulge themselves a little bit during these festivals and they used to do this with the help of the customary bonus. Don't treat the chapter as closed. This problem will crop up every year; in the workers' minds at least it will crop up. Pass the bill by all your majority and everything. Then take the unions into confidence, sit down with them,—the INTUC, AITUC, CITU and everybody. (*Interruptions*) Why not? Even CITU. Every party has its union. So, you are talking about economism. Let us sit down, talk and see that within its ambit at least, some concrete steps and measures are taken to see that the workers are not cheated and defrauded of what is their due. I realize that the concept of minimum bonus irrespective of profit and loss has been demolished and buried by you. You are the grave-digger of that minimum bonus. In history, you will be written down as the grave-digger of this concept of minimum bonus.

(*Interruptions*) All right; it does not matter. I do not also bother, provided I get my due bonus on the profits made, because what I am apprehensive of, is that gradually, by stages, the workers will be forced into a position where there will be no bonus linked with profits; and they will be told that it will only be linked with production and productivity. That is a different type of bonus; production-linked and incentive-linked bonuses are not something new in this country. It exists in many companies and concerns, he knows it. In all our engineering industries, there are various schemes of production bonus and incentive bonus. But that is a different thing. Don't try to replace or supplant this bonus on profits by that. It is linked with whatever I produce—as much production as I give, I will get some bonus on it. It is a different matter. But what about the huge profit which I am helping to create by my toil and my sweat? I must not be defrauded of my share in it. And if this bill is left where it is now, it is going to deprive me altogether. That is why we are opposed to it, because we are not given any assurance whatsoever by the Government that they will take any practical step to safeguard the position of the workers. We see it in the kinds of workers' participation scheme that they have evolved. We see it in their refusal to nationalize audit; we see it in their encouragement to the issue of bonus shares recklessly by these companies. That is why we are apprehensive. Therefore, I see no reason whatsoever why I should withdraw my Resolution.

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We are totally dissatisfied with what the Government has done and said. Therefore, I commend my Resolution to the House.

MR. SPEAKER: The question is:

"This House disapproves of the Payment of Bonus (Amendment) Ordinance, 1975 (Ordinance No. 11 of 1975) promulgated by the President on the 25th September, 1975"

The Lok Sabha divided:

Division No. 21] [12.01 hrs.

A Y E S

Badal, Shri Gurdas Singh
Bade, Shri R. V.
Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C K.
Chatterjee, Shri Somnath
Chaudhuri, Shri Tridib
Chowhan, Shri Bharat Singh
Dutta, Shri Biren
Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Horo, Shri N E
Jharkhande Rai, Shri
Kamble, Shri N. S
Kathamuthu, Shri M.
Lakshmikanthamma, Shrimati T
Mavalankar, Shri P G.
Modak, Shri Bijoy
Mohammad Ismail, Shri
Mohanty, Shri Surendra
Mukherjee, Shri Samar
Mukherjee, Shri Saroj
Muruganantham, Shri S. A.
Nair, Shri Sreekantan
Pandey, Shri Sarjoo
Parmar, Shri Bhaljibhai
Patel, Kumari Maniben
Ram Hedaoo, Shri
Reddy, Shri B. N.
Saha, Shri Ajit Kumar
Sen, Dr. Ranen
Sequeira, Shri Erasmo de
Shastri, Shri Ramavatar
Shastri, Shri Shiv Kumar

N O E S

Achal Singh, Shri
Aga, Shri Syed Ahmed
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ankineedu, Shri Maganti
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Aziz Imam, Shri
Babunath Singh, Shri
Balakrishniah, Shri T.
Banamali Babu Shri
Banerjee, Shrimati Mukul
Barua, Shri Debabrata
Basumatari, Shri D.
Bhagat, Shri H K. L.
Bhargava, Shri Basheshwar Nath
Bhatia Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M.
Bhuvarchan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B
Chandrashekharappa Veerabasappa Shri T. V.
Chaturvedi, Shri Rohan Lal

Chaudhuri, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Dalbir Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Daschowdhury, Shri B. K.
Deo, Shri S. N. Singh
Desai, Shri D. D.
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dube, Shri J. P
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad Shri Fatesinghrao
Gandhi, Shrimati Indira
Gangadeb, Shri P.
Gavit, Shri T. H.
Gill, Shri Mohinder Singh
Giri, Shri S. B.
Godara, Shri Mani Ram
Gokhale, Shri H R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Singh, Shri
Ishaque, Shri A. K M.
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kale, Shri
Kamakshaiah, Shri D.
Kamble, Shri T. D
Karan Singh, Dr.
Kasture, Shri A. S.
Kaul, Shrimati Sheila
Khadilkar, Shri R. K
Kisku, Shri A K
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G Y.
Lakkappa, Shri K.
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Majhi, Shri Gajadhar
Mallanna, Shri K.
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohammad Tahir, Shri

Mohammad Yusuf, Shri
Mohan Swarup, Shri
Mohsin, Shri F. H.
Munsi, Shri Priya Ranjan Das
Nahata, Shri Amrit
Naik, Shri B. V.
Negi, Shri Pratap Singh
Oraon, Shri Tuna
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Patel, Shri Arvind M.
Patel, Shri Prabhudas
Patel, Shri R R.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raju, Shri P. V. G.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri Pattabhi Rama
Raut, Shri Bhola
Reddy, Shri K. Kodanda Rami
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Rohatgi, Shrimati Sushila
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sankata Prasad, Dr.
Sathe, Shri Vasant
Satpathy, Shri Devendra
Satyanarayana, Shri B
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Shailani, Shri Chandra
Shankaranand, Shri B.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri R. R.
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.

Siddayya, Shri S. M.
Singh, Shri Vishwanath Pratap
Sinha, Shri Nawal Kishore
Sinha, Shri R. K
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Sudarsanam, Shri M.
Sunder Lal, Shri
Suryanarayana, Shri K.
Tayyab Hussain, Shri
Thakre, Shri S. B.
Tombi Singh, Shri N.
Tulsiram, Shri V.
Ulkey, Shri M. G.
Venkatasubbaiah, Shri P.
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Karan Singh
Yadav, Shri R. P
Zulfiquar Ali Khan, Shri

MR. SPEAKER The result of the division is: Ayes: 38, Noes: 191.

The motion was negatived.

MR SPEAKER I shall now put Amendment No. 1 moved by Shri C. K Chandrappan to the vote of the House.

The questions is:

"That the Bill further to amend the Payment of Bonus Act, 1965, be referred to a Select Committee consisting of 14 Members, namely:—

Shri S. M. Banerjee,
Shri Dinen Bhattacharyya,
Smt. Roza Vidyadhar Deshpande.
Shri K. R. Ganesh,
Shri Indrajit Gupta,
Shri Krishnan Manoharan,
Shri Saroj Mukherjee,
Shri Vayalar Ravi.
Shri K V. Raghunatha Reddy,
Shri Vasant Sathe,
Shri Shashi Bhushan,
Shri Ramavatar Shastri,
Shri K. P. Unnikrishnan, and
Shri C. K. Chandrappan with instructions to report by the 1st April, 1976" (1)

The motion was negatived.

MR. SPEAKER: I shall now put amendment No. 2 moved by Shri Dinen Bhattacharya to the vote of the House.

The question is:

"That the Bill further to amend the Payment of Bonus Act, 1965, be referred to a Select Committee consisting of 14 members, namely:—

Shri S M. Banerjee,
Shri Tridib Chaudhuri,
Shri M C Daga,
Shri Dinesh Joarder,
Shri Hukam Chand Kachwai,
Shri Madhu Limaye,
Shri Prasannbhai Mehta,
Shri Mohammad Ismail,
Shri H. N. Mukerjee,
Shri Noorul Huda,
Shri Era Sezhiyan,
Shri Digvijaya Narain Singh,
Shri K V Raghunatha Reddy, and
Shri Dinen Bhattacharyya with instructions to report by the 5th April, 1976" (2)

The motion was negatived.

MR. SPEAKER: The question is:

"That the Bill further to amend the Payment of Bonus Act, 1965, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER: We shall now take up clause 2.

Clause 2—(Amendment of long title)

SHRI DINEN BHATTACHARYYA: I beg to move:

Page 1, line 11,—

for "on the basis of profits" *substitute*—"irrespective of profits" (23)

Page 1, lines 11 and 12,—

for "on the basis of production or productivity" *substitute* "loss" (24)

My amendment concerns line 11 on page 1. There it has been stated as follows:

"An act to provide for the payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity."

I have suggested *for* "on the basis of profits" *substitute* "irrespective of profits".

In amendment No. 24, I have asked *for* "on the basis of production of productivity" *substitute* "loss". So, the contention of the amendment is very clear in respect of the minium bonus that was there, which the workers got not at the mercy of Mr. Raghunatha Reddy or his boss the Prime Minister.

The workers had to fight long long battles to get this minimum bonus. It is now being snatched away from them. So, I have moved this amendment.

Now, you have linked bonus with production. My hon. friend, Shri Indrajit Gupta, has stated very ably that perhaps Mr. Raghunatha Reddy does not know what is the production bonus, how our factories are run on piece-rate basis, how the workers get production bonus or the incentive. You must go to a jute mill or any other factory which is producing engineering goods. There the workers are paid on the basis of results, not on daily-wage basis. There are hundreds of factories where there is the production bonus system.

On the contrary, you are putting a ceiling on the maximum production bonus that a worker is entitled to get if he exceeds the target. Yesterday, the hon. Member, Mr. Damodar Pandey very eloquently stated how in the coal mines, they exceeded the target. But Mr. Raghunatha Reddy is putting an axe on the maximum limit, that the workers will not get more than 20 per cent. I hope, even at this stage, the hon. Minister will not commit the sin. As Mr. Indrajit Gupta rightly described it, he is even taking away the minimum bonus that the workers are entitled to. I would request him to please reconsider his views and accept my amendment.

SHRI RAGHUNATHA REDDY: No, Sir

MR SPEAKER: Now, I put amendment Nos. 23 and 24 to the vote of the House.

Amendments Nos. 23 and 24 were put and negatived.

MR. SPEAKER: There is no amendment to Clause 3 also. So, I put Clause 2 and 3 together to the vote of the House.

The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4—(*Amendment of section 2*)

SHRI S. M. BANERJEE (Kanpur): I beg to move:

Page 2,—

omit lines 32 to 36. (8)

SHRI N. SREEKANTAN NAIR: I want to move my amendment No. 18.

MR. SPEAKER: It is the same as No. 8.

SHRI N. SREEKANTAN NAIR: The intention of my amendment is to bring in the banking companies also As I pointed out yesterday, there is no rhyme or reason in keeping out the banking companies specially when the Government is offering for the nationalised sector upto 10 per cent. There is no reason why the foreign banks shoud be completely exempted. I suggest that banking comapnies may also be brought within the purview of this Bill. I would request the hon. Minister to consider to bring in foreign-owned banks also.

SHRI S. M. BANERJEE: I have moved my amendment No. 8. I want the hon. Minister to tell the House as to why this amendment is going to be rejected by him.

SHRI RAGHUNATHA REDDY: The Supreme Court has already struck it down This is in order to make the low clear.

MR SPEAKER: I put Amendment No. 8 to the vote of the House.

Amendment No. 8 was put and negatived.

MR. SPEAKER: There are no amendments to clauses 5 and 6 also. So, I put clauses 4, 5 and 6 together to the vote of the House.

The question is:

"That Clauses 4, 5 and 6 stand part of the Bill."

The motion was adopted.

Clauses 4, 5 and 6 were added to the Bill.

Clause 7—(*Substitution of new section for section 10*)

SHRI ERASMO DE SEQUEIRA: I beg to move:

Page 3, line 11,—

after "year" *insert*—

"or any set-on carried forward from the previous year" (3)

Page 8, lines 18 and 19,—

omit "subject to a maximum of twenty per cent of such salary or wage" (4)

Page 3,—

omit lines 20 and 23. (5)

SHRI S. M. BANERJEE: I beg to move:

Page 3,—

for lines 10 to 19, *substitute*—

"10. (1) Every employer in any accounting year shall be bound to pay every employee in respect of that accounting year a minimum bonus which shall not be less than 8.33 per cent of the salary or wage earned by the employee during that accounting year or one hundred rupees whichever is higher". (9)

Page 3, line 27,—

for "four per cent" *substitute*—

"8.33 per cent" (10)

SHRI N. SREEKANTAN NAIR: I want to move amendments 19 and 20.

MR. SPEAKER: They are the same as 9 and 10.

SHRI N. SREEKANTAN NAIR: We want our names also on record.

MR. SPEAKER: All right.

SHRI DINEN BHATTACHARYYA: I want to move amendments 25, 26, 27, 28 and 29.

MR. SPEAKER: Amendment No. 27 is the same as amendment No. 4. He can move the rest of the amendments.

SHRI DINEN BHATTACHARYYA: I beg to move:

Page 5, line 13,—*for* 'four' *substitute* 'ten' (25)

Page 3, lines 14 and 15.—*for* 'one hundred rupees' *substitute* 'two hundred and fifty rupees'. (26)

Page 3, line 23,—*for* 'sixty-' *substitute* 'one hundred and twenty-five' (28)

Page 3,— *omit* lines 31 to 35. (29)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 3,—

for lines 10 to 19 *substitute*—

"10 (1) Every employer in any accounting year shall be bound according to this Act to pay every employee in respect of that accounting year a minimum bonus which shall not be less than 8.33 per cent on any pretext of the salary or wage earned by the employee during that accounting year or one hundred rupees whichever is higher". (33)

SHRI ERASMO DE SEQUEIRA: My amendments deal with the question, firstly, of when bonus should be paid and, secondly, how much should be paid. On the question of when bonus should be paid, I would like to make it very clear that even if it is set-on from the previous year, bonus should be paid. I would like to draw attention to p. 4 on the top, sub-section 3 which says:

"(3) for the purposes of this section, the allocable surplus shall be computed taking into account the amount set on or off in the three immediately preceding accounting years and in the accounting year in respect of which the bonus is payable..."

What I am going to suggest to the Minister is that if the Government's intention is that—it says that it is—bonus should be linked with productivity, then the loss of the previous year should not be allowed to be carried on for the purpose of allocable surplus where the minimum is to be determined because if a company which, in previous years has made a loss, in a suncceeding year makes a profit, then the allocable surplus should, in the first instance, be determined only with reference to that year because if, having made a loss, it begins to make a profit, it can only mean that the workers have become more productive. If you don't provide this, you are not linking bonus with productivity.

My second amendment deals with the upper limit of 20 per cent which, to my mind, is completely contrary to the concept that bonus is linked with production or productivity because how can you have a limit on production or productivity. Listening to the Minister, his argument was, while replying to what Mr. Gupta and I had said about the original motion, that if you allow such a thing, the management and the union can, in collusion, diddle a company out of its profits and even out of its capital What I would say is that since the Bonus Act came into force, it has not been possible for anybody to do that and neither was there any such attempt. In any case here Mr. Raghunatha Reddy, a Minister of this Government said, talking about populist slogans, that there should not be populist slogans—which is like hearing some fallen angels quoting the scriptures. I would suggest that unless he

removes this 20 per cent restriction—and I want to remind him that what we are talking of is 20 per cent of the wage bill and not 20 per cent of the profits—he can never say that he has linked his bonus with either production or with productivity.

SHRI S. M. BANERJEE: My amendment No. 9 is that I want to substitute lines 10 to 19 with other lines. Now, lines 10 to 19 are:

> "Subject to the other provisions of this Act where an employer has any allocable surplus in any accounting year, then, he shall be bound to pay to every employee in respect of that accounting year a minimuh bonus which shall not be less than four per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees whichever is higher."

Now, my amendment is that should be substituted by:

> "Every employer in any accounting year shall be bound to pay every employee in respect of that accounting year a minimum bonus which shall not be less than 8.53 per cent of the salary or wage earned by the employee during that accounting year or one hundred rupees whichever is higher".

The hon. Minister, while replying to the debate, has spoken about the limit of bonus; he has said that he would link the whole thing with production or productivity. In many units, whether in the public sector or in the private sector, the workers are getting production bonus separately. That has nothing to do with the annual bonus. Production bonus is paid in the public sector undertakings, specially in departmental undertakings like ordnance factories and also in private undertaking like TISCO. In that case, does he want to apply this limit of 20 per cent in that? I would like to know from him what his argument is, whether he wants to see that the annual bonus is replaced by production bonus or whether he wants the annual bonus to be continued. The workers in ordnance factories and other private undertakings are entitled to profits and also to production bonus. When production bonus was introduced in Bhilai, I know, it was objected to by many people, saying that it would affect the annual bonus. It was agreed than that it had nothing to do with the annual bonus. I would request the Minister to clarify these points before he rejects the amendment Let him not reject this without realising the implications of it or without understanding the meaning of it. Let him reject after giving some convincing arguments.

My other amendment is, for four per cent, 8.33 per cent may be substituted.

श्री मोहम्मद इस्माइल (बैरकपुर) : पहली एमेंडमेंट के जरिये मैं 4 परसेंट को दस परसेंट से सबस्टीटयूट करना चाहता हू। यह इसलिए कि आजकल प्राफिट्स बढ़ रहे हैं और बहुत सी कम्पनिया आठ परसेंट से भी ज्यादा, बारह, पद्रह, बीस, पच्चीस और तीस परसेंट तक दे रही है। इसलिए चार परसेंट पर लिमिट लगाना ठीक नहीं है। चार परसेंट की जगह जब 8 33 परसेंट का प्रोपोजल आया तो यह उसी वक्त खत्म हो गया। इसलिए मैं चाहता हू कि इसको दस परसेंट कर दिया जाए।

दूसरी मेरी एमेंडमेंट यह है कि लाइन 14 और 15 में सौ रुपये की जगह मैं चाहता हू कि 250 रुपये कर दिया जाए। 250 तक उनको मिलना चाहिये। सौ का कोई प्रोपोर्शन मालूम नही होता है। इसलिए यह 250 होना चाहिये।

मेरी अगली एमेंडमेंट यह है कि लाइंज 18 और 19 में जहां आपने कहा है कि

[श्री मोहम्मद इस्माइल]

सबजैक्ट टू ए मैक्सिमम आफ 20 परसेंट आफ सच सैलेरी आर वेजिज, इसको मैं चाहता हू कि ओमिट किया जाए। यह मैं इसलिए चाहता हू कि 20 परसेंट से भी ज्यादा दिया जा रहा है। राम सिंह भाई ने कहा कि उनका एग्रीमेंट 35 परसेंट पर हुआ और मिला। इस वास्ते लिमिट लगाने के कोई माने नही है। इसको ओमिट कर दिया जाए।

पेज 3 लाइन 23, यहा पर साठ रुपये की जगह मैं 125 रुपये करना चाहता हू। इसी तरह से पेज 3 पर मैंने यह चाहा है कि लाइन 31 मे 35 को ओमिट कर दिया जाए।

मैं आशा करता हू कि मेरी इन एमेंडमेंट्स को मत्री महोदय स्वीकार कर लेगे।

श्री रामावतार शास्त्री (पटना) मैंने 33 और 34 नम्बर के दो सशोधन रखे है। सरकार ने मूल कानून की धारा 10 मे सशोधन करने की कोशिश की है। मैं चाहता हू कि इसको हटा दिया जाए। इसका कारण यह है कि आपने इस में अगर मगर की बात कही है। इसका अर्थ अस्पष्ट है। लगता यह है कि सरकार मजदूरो को बोनस देने के पक्ष में नही है सो कहने की इस बात को साफ तौर से उसकी हिम्मत नही है। इसलिए इस कानून मे अगर मगर का जाल बिछा कर मजदूरो से इस हक को वह छीन लेना चाहती है। मैं चाहता हू कि उसको हटा दिया जाए और मेरा जो सशोधन 33 है उसको मान लिया जाए। कई माननीय सदस्यो ने भी उस तरह के सशोधन रखे है उन में से एक को स्वीकार किया जा सकता है। मैं चाहता हू कि 8 33 परसेंट या सौ रुपये जो भी अधिक हो वह दिया जाए। यह बिना किसी प्रकार की अगर मगर के या किसी और शर्त के हो। मजदूरो ने बहुत ही सघर्ष के बाद अपने इस हक को हासिल किया है और इस सघर्ष में तमाम विचारों के मजदूर शामिल थे, काग्रेस को मानने वाले भी थे, कम्युनिस्टों को मानने वाले भी थे और दूसरे भी थे। तमाम ने मिल कर सघर्ष किया और नतीजा यह हुआ कि 8.33 परसेंट बोनस देने का निर्णय सरकार ने लिया। अब उनसे इस हक को आप छीन लेना चाहते है। यह उचित नही है। जब इस बीस सूत्री आर्थिक कार्यक्रम को कार्यान्वित करना चाहते हैं और ज्यादा से ज्यादा सहयोग मजदूरो का लेना चाहते है ताकि देश का उत्पादन बढे और स्थित स्वार्थ के जो लोग है, जो प्रतिक्रियावादी लोग है, जो फासिस्ट शक्तिया है उनको हम शिकस्त देना चाहते है तो इस काम में मजदूरो का सहयोग अपेक्षित है। बोनस के उनके हक को छीन लेने से या उसको कम कर देने से मजदूरो में असन्तोष बढेगा, बीस सूत्री कार्यक्रम के कार्यान्वयन है कठिनाई होगी, उत्पादन मे कठिनाई होगी, इस वास्ते सरकार 8 33 परसेंट बोनस मे किसी भी प्रकार की कटौती न करे और अगर वह करेगी तो समस्त मजदूर वर्ग सगठित हो कर इसका मुकाबला करेगा।

SHRI DINEN BHATTACHARYYA Sir, I would like to say a word about amendment No 29 I will request the Labour Minister kindly to reply to this. The other day you passed the Bill, Equal Remuneration Bill, kindly look into its provisions. Those workers who have not yet attained the age of fifteen will get less bonus though they will do the same job like an adult or those who are above fifteen. These workers are doubly exploited. There is a law that you cannot give employment to a child who is below fifteen You are giving sanction to an employer to employ a boy below fifteen and at the same time, he will get less bonus than an adult. What is the philosophy in

this matter? Is there any such thing in the Marxism that you quoted?

SHRI RAGHUNATHA REDDY: The Equal Remuneration Bill was meant for equal remuneration between men and women and not between persons below fifteen and grown-up people. The question that has been raised by my friend, Shri Sequeira, which is a relevant question, I would like to answer that, and the rest of the questions that have been debated since morning, I do not think, I need reply them.

Clause 19 says that notwithstanding anything contained in this law, if an agreement or settlement is entered into between the parties concerned, then the rest of the provisions of the Bonus Act will not apply. The basic principles on which the entire law is sought to be placed is, on one side, profit and on the other, production and productivity. This clause deals with production and productivity. Whether the concern makes profit or not, it has nothing to do with it. This is purely based on production and productivity.

I think the hon Member's question has been answered

SHRI ERASMO de SEQUEIRA: I would like to draw his attention to one thing. That is a fact that there is a clause in this Bill which says that if any employer pays more than what is provided, then, in that case, he shall not be allowed a deduction under income-tax.

SHRI RAGHUNATHA REDDY: There are two questions to it. One is whether an undertaking makes any profit or not. If it comes under clause 19, then he is bound to pay according to the agreement entered into or the settlement arrived at, regarding bonus. But the limit is 20 per cent and beyond that even the agreement cannot prescribe bonus.

SHRI ERASMO de SEQUEIRA: I am suggesting that it can make that agreement but he will not get a deduction under income tax agreement or no agreement.

SHRI INDRAJIT GUPTA: With regard to production and productivity bonus, there are many instances at present where productivity schemes are in force where people are earning already on the basis of production and productivity more than 20 per cent. and if this Bill comes into force, is he suggesting that the extra money will have to be refunded by them or abolished or what?

SHRI RAGHUNATHA REDDY: What has been paid already, need not be refunded.

SHRI INDRAJIT GUPTA: Suppose on the basis of 50 per cent increase in productivity, I have been getting a certain quantum of productivity bonus in a particular concern, now you put a ceiling on that, that I cannot get more than 20 per cent. Then am I also entitled to reduce my productivity to that extent? What is the implication?

SHRI DINEN BHATTACHARYYA: He cannot understand.

SHRI RAGHUNATHA REDDY: The question is very simple The law lays down that beyond 20 per cent. there cannot be any agreement entered into

MR. SPEAKER. I will put amendment No. 9 of Shri S. M. Banerjee to vote

The Amendment No. 9 was put and negatived.

MR. SPEAKER: Now, I will put all other amendments to clause 7 viz., 3, 4 and 5 by Mr Sequeria, 10 by Shri S. M. Banerjee and 25, 26, 28 and 29 by Shri Dinen Bhattacharyya and 33 by Shri Ramavatar Shastri—34 is the same as an earlier one—to the vote of the House.

[Mr. Speaker]

Amendments Nos. 3 to 5, 10, 25, 26, 28, 29 *and* 33 *were put and negatived.*

MR. SPEAKER: Now, the question is:

"That clause 7 stand part of the Bill."

The motion was adopted

Clause 7 *was added to the Bill.*

Clause 8—(*Omission of Section* 11)

SHRI INDRAJIT GUPTA: I beg to move:

Page 4,—

for clause 8, *substitute*—

"8. In section 11 of the Principal Act, sub-section (2) shall be omitted." 11)

MR. SPEAKER: Now, I will put Amendment No. 11 of Shri Indrajit Gupta to the vote of the House

Amendment No. 11 *was put and negatived.*

MR. SPEAKER: Now, the question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 *was added to the Bill*

Clause 9 *and* 10 *were added to the Bill*

Clause 11—(*Substitution of new section for Section* 15)

SHRI ERASMO de SEQUIRA: I beg to move:

Page 4, lines 18 to 21—

Omit "subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year, be carried forward for being set on the succeeding accounting year and so on, to" (6)

Page 4, line 31,—

omit "set on and" (7)

SHRI INDRAJIT GUPTA. I beg to move:

Page 4,—

for lines 16 to 30, *substitute*—

"15 (1) where for any accounting year, the allocable surplus exceeds the amount of maximum bonus payable to the employees in the establishment under section 11, then the excess shall subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year be carried forward for being set on in the succeeding accounting year and so on up to and including the fourth accounting Year to be utilised for the purpose of payment of bonus.

(2) Where for any accounting year, there is no available allocable surplus or the allocable surplus falls short of the minimum bonus payable to the employees in the establishment under section 10, and there is no amount or sufficient amount carried forward and set on under sub-section (1) which could be utilised for the purpose of payment of the minimum bonus, then such minimum amount or the deficiency, as the case may be, shall be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year." (12)

SHRI N. SREEKANTAN NAIR (Quilon) : I beg to move :

Page 4,—

after line 22 *insert*—

"(1A) The excess amount that is carried forward for set on under sub-section (1) shall be maintained as a separate banking account, which cannot be utilised by the employer for any purpose, other than set on for bonus in future years, and utilising it for any other purpose shall be treated as misappropriation and shall be punishable under the Indian Penal Code :

Provided that is the majority of the employees agree by secret ballot to utilise a portion of the accoumulated amount for welfare measures for the employees, it shall be utilised in that manner." (21)

SHRI ERASMO DE SEQUEIRA : This amendment also is dealing with the actual amount that should be paid to the workers. Here again I am suggesting that the limitation of 20 per cent. be removed.

When he was replying to the debate, the hon Minister put forth as justification for the retention of the limit of 20 per cent the fact that in the national interests money should not be distributed for consumption. If I may say so, the explanation he has put forward, to use a kind word, is rather puerile because, what is the guarantee, what is the legislative guarantee that this government can give us that if this money is retained by the employers, it will not be used for something even more undesirable than direct distribution to the workers? If you are not looking after the common man of this country, the working man, then whom are you trying to protect as a Government, I ask. When the hon. Minister comes with fascile explanations like quoting Marx and Lenin to Mr. Inderjit Gupta even our voting machine refuses to work. Thank you.

SHRI S. M. BANERJEE : We have already moved our amendments I request the Minister to accept it. This is what I said :

'15 (1) there for any accounting year, the allocable surplus exceeds the amount of maximum bonus payable to the employees in the establiment under section 11, then the excess shall, subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year be carried forward for being set on in the succeeding accounting year and so on upto and including the fourth accounting year to be utilised for the purpose of payment of bonus.'

Now, Sir, the Minister said, if there is any surplus, then that means, every worker has a chance to get bonus, as if that is the welcome feature of the Bill. I say that this can be carried forward for being set off in the succeeding accounting year upto and inclusive of the fourth accounting year for the purposes of the payment of bonus. Then I say this :

'Where for any accounting year there is no available allocable surplus or the allocable surplus falls short of the minimum bonus payable to the employees in the establishment under section 10, and there is no amount or sufficient amount carried forward and set on under subsection (1) which could be utilised for the purpose of payment of the minimum bonus, then, such minimum amount or the deficiency, as the case may be, shall be carried forward for being set off in the succeeding accounting year and so on upto and inclusive of the fourth accounting year.'

[Shri S. M. Banerjee]

This is in substitution of that particular portion. Let the hon. Minister accept this. If he is not accepting, may I know what are the specific objections to this? He is always very logical and reasonable and I request him to accept this.

SHRI N. SREEKANTAN NAIR: Sir, although my amendment is slightly different it is very important and this is in case of companies which make profits and continue to make profits. In such cases there is a solution. Under Section 15(1), the additional amount is set on but, if that is set on for some time, and, if at a particular time, the employer becomes bankrupt, then the workers lose everything. It is through his efforts that the employer has made the profits. That becomes an allocable surplus for the set on after three or four years and if the workers want it and by 51 per cent. majority they decide that that should be utilised for some amnities, that should be allowed. That is one point.

The additional amount that is set on must be kept in a separate banking account so that the employers would not be able to get away with that amount. Shri Reddy ruling the Labour Department must be aware of this fact that over Rs. 30 crores of money was misappropriated and no action was taken against these responsible in the Provident Fund Account. It is the money of the workers. The employers should have come forward to give that legitimate amount of Rs. 30 crores. Why should that be allowed to be misappropriated by the employers? Whatever be the surpluses after giving them the bonus, let that be kept in a separate bank account. I shall therefore read my amendment. My amendment is:

"That after 15(1), add new section 15(1) (A)."

"The excess amount that is carried forward for set on under sub-section (1) shall be maintained as a separate banking account which cannot be utilised by the employer for any other purpose."

Suppose the set on for bonus in future years is utilised for any other purpose. Then, it shall be treated as misappropriation and the employer shall be punishable under the Indian Penal Code.

"Provided that if the majority of the employees agree by secret ballot utilise a portion or the whole amount for welfare measures for the employees, it shall be utilised in that manner".

Here is a very limited protection given to the profits accumulated by the workers' own efforts. And such profits are accumulated by the employer. Why should not the workers get the benefit of the profit and why should the employer be allowed to misappropriate that? Let that be kept in a separate bank account. If he touches that let him be prosecuted under the Indian Penal Code. After three or four years if there is accumulated money and if workers by ballot decide that they must utilise it for welfare purpose—for the welfare scheme of workers—let that be utilised. That is my other point

SHRI RAGHUNATHA REDDY: Sir, I explained the concept of allocable surpluses yesterday and this morning and I do not think need to go into the question again. The entire concept of allocable surplus is now put on roll on basis. There may be a loss in one year and profit in another. That is how the concept of allocable surplus is based on the principle of roll-on basis.

SHRI N SREEKANTAN NAIR: As in the Provident Fund, suppose there is sufficient money and it is eaten away by the employer what will you do? That is why I say that let this be kept in a separate account.

SHRI RAGHUNATHA REDDY: Eating away of money is quite a different transaction. What we are concerned with here is the allocable surplus.

MR. SPEAKER: I shall put the amendment Nos. 6 and 7 moved by Shri Erasmo de Sequeira to the vote of the House.

Amendments Nos. 6 and 7 were put and negatived.

MR. SPEAKER: Now I shall put amendment Nos. 12 and 21 moved by Shri Indrajit Gupta and Shri Sreekantan Nair to the vote of the House.

Amendments Nos. 12 and 21 were put and negatived.

MR SPEAKER: I shall take up clauses 11 and 12 to 18 together. There are no amendments to clauses 12 to 18. I shall put them all to the vote.

The question is:

"That Clauses 11 and 12 to 18 stand part of the Bill"

The motion was adopted.

Clauses 11 and 12 to 18 were added to the Bill.

(Clause 19)—(*Insertion of new Section 31(A)*

SHRI INDRAJIT GUPTA: I beg to move

Page 6, lines 38 and 39,

omit 'linked with production or productivity in lieu of bonus based on profits payable under this Act." (13)

Page 7.—

omit lines 1 to 3. (14)

SHRI DINEN BHATTACHARYYA: I beg to move:

Page 6, lines 38 and 39,—

omit "production or productivity in lieu of bonus based on" (30)

MR. SPEAKER: 31 is the same as 14, so also amendment No. 35 of Shri. Ram Singh Bhai.

श्री राम सिंह भाई (इदौर) : अध्यक्ष महोदय, जैसा कि श्री इन्द्रजीत गुप्त ने कहा है, बोनस के अलग अलग रूप हैं: प्राफिट बोनस प्राडक्शन बोनस, प्राडक्टिविटी बोनस और हाजरी बोनस। हाजरी बोनस शायद मंत्री महोदय के ध्यान में नही रहा है। बाकी सब उन्होने एक पोटली में बाध दिया है।

मेरा सशोधन बहुत महत्वपूर्ण है और मंत्री महोदय के फेवर में जाता है। इसलिए उन्हें इस को स्वीकार कर लेना चाहिए। जहा प्राडक्शन नही हो रहा था, वहा प्राडक्शन को बढ़ाने के लिए ओवरटाइम काम लिया जाता है और फैक्टरीज एक्ट के मुताबिक ओवरटाइम काम के लिए डबल पैसा दिया जाता है। हम जितना प्राडक्शन चाहते हैं हमारी कैपेसिटी उतनी नही है। सरकार जितना प्राडक्शन चाहती है, श्रमिक अपना खून पसीना बहा कर उस से ज्यादा प्राडक्शन दे रहे हैं। इसलिए यह विचार किया जा रहा है कि फिनिशिंग डिपार्टमेंट में मशीनें लगाई जायें, ताकि पिछले प्रासेस को फिनिश किया जा सके। चूंकि प्राडक्शन ज्यादा हो रहा है, इसलिए श्रमिकों को प्राडक्शन बोनस दिया जा रहा है, जो वेतन से कम होता है।

7 टन की कैपेसिटी है और प्राडक्शन 4 टन आता था। यह एग्रीमेंट किया गया कि अगर प्राडक्शन 6 टन से ज्यादा होगा, तो श्रमिकों को प्राडक्शन बोनस दिया जायेगा। अब प्राडक्शन 9 टन तक पहुंच गया है। फ़िनांस मिनिस्ट्री के डिपुटी सेक्रटरी ने मुझ से कहा है कि फ़िनिशिंग डिपार्टमेंट में पीछे प्रासेस से जो आता है उस को फ़िनिश नहीं

[श्री राम सिंह भाई]

कर पाते हैं इसलिए हम वहां और मशीनरी लगाते जा रहे हैं जिस से एम्पलायमेंट बढ़ेगा ।

प्रश्न यह है कि आप ने जो वचन दिया है अगर आप उस के प्रतिकूल प्राडक्शन बोनस देना बन्द कर देते हैं तो फिर हमारा क्या अगर आप अपनी जुबान पर कायम न रहे तो फिर हम भी एकाउंट टर्न कर देंगे कि आप जानें और मजदूर जानें । मैं मानता हूं कि श्रम मंत्री महोदय भी इस बात को नहीं समझे होंगे और उन्होंने प्राइम मिनिस्टर को भी नहीं समझाया होगा मेरा निवेदन यह है कि हम सीमित साधनों से उसी कैपिटल से और उसी लेबर से ज्यादा प्राडक्शन बढ़ा रहे हैं । तो फिर सरकार बीच में क्यों आती है ?

12.58 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

मेरा निवदन है कि मेरा संशोधन बहुत सीधा-सादा और गवर्नमेंट के पक्ष में है । वास्तव में यह संशोधन लेबर मिनिस्टर को लाना चाहिए था । अब मैं इस को लाया हूं । अगर वह इस को स्वीकार कर लेंगे तो बड़ी कृपा होगी ।

13 hrs.

SHRI S. M. BANERJEE (Kanpur): I am speaking on amendment No. 13 which seeks the omission of lines 38 and 39, "linked with production or productivity in lieu of bonus based on profits payable under this Act." Another amendment of ours, No. 14, seeks the omission of lines 1 to 3 on page 7. I really support what my hon. friend, an experienced trade unionist, Ram Singh Bhai, has said. There is production bonus, there is attendance bonus. There are various incentives in kind also. Some rewards are also given for good production. By bringing in this clause and linking it up with productivity and production, a gross folly is being committed by the government; they do not realise the implications. I have been with the workers all my life and I have served them for 16 years, except for a brief period. I know what it is; there are piece workers; there are supervisors who have actually to supervise that. I know how the workers feel if there is no incentive. If the government is not accepting our amendment, No. 13, let them accept the amendment of Shri Ram Singh Bhai; we shall be satisfied with that; though it does not serve our purpose fully, still we shall be happy to accept even that amendment. I only request him not to withdraw that amendment but to press it to a division to show that he is a staunch trade unionist who could not be influenced by the government or the Labour Minister. Lines 1 to 3 of page 7 say: "Provided that such employees shall not be entitled to be paid such bonus in excess of twenty per cent of the salary or wage earned by them during the relevant accounting year." These lines have to be omitted and there should be no limit If by agreement we could get 22 to 23 per cent, what is the harm in it? Is it not a fact that even after the issue of the ordinance, there was a settlement with Kulkarni's union in the ONGC for 18 per cent? It could be 20 or 22 per cent There should be no restriction. Let not the government defend the employers to that extent that if the employers want to pay or want to enter into an agreement with the bargaining agents of the trade union in excess of the stipulated limit, let them not ban it on behalf of the government. That is why we want to omit those lines.

SHRI DINEN BHATTACHARYYA: I have got only one sentence to add and that is my request to Shri Raghunatha Reddy at least to understand

what is production bonus, what is productivity bonus and what is the annual bonus. They are jumbling up the whole issue. The question is one of annual bonus which you have dealt with while referring to profit. Now you are linking up bonus with production and productivity. It has been stated here again and again that there is a system of production bonus and incentive. Are you going to take all the other bonus benefits and give only one bonus that is to be linked both to profit as well as production? Suppose there is a factory where due to the maximum effort of the workers, there is maximum production but because of some circumstances created by the employer the company gets a loss, will you say to the workers: even if you have given maximum production, you are not entitled to any bonus? I urge upon him to kindly understand what is incentive bonus, what is production bonus and what is annual bonus? How can you link it up with profit as well as productivity. He should consider these points.

SHRI RAGHUNATHA REDDY: I have been explaining this since yesterday evening. I do not mind even if I further take the trouble of explaining this to Mr. Dinen Bhattacharyya that as far as incentive schemes are concerned, they are not affected by this law. The incentive schemes continue Under this clause, the profits are distinguised. the profit scheme is distinguished from the productivity and production. The profit is on the basis of production or productivity. The only thing is that the maximum limit of giving bonus is 20 per cent, once there is an agreement between the parties concerned that they could not have a profit-sharing scheme on the basis of production and productivity, then they can enter into agreement. They can work out their own norms. The trade unions should be in a position to work out norms for determining the bonus on the basis of production or productivity. This is the situation as far as this clause is concerned. The law is very clear and I do not think that he requires any further elaboration on that.

MR. DEPUTY-SPEAKER: I shall now put all the amendments to clause 19 to the vote of the House.

Amendments Nos. 13, 14 and 30 were put and negatived.

MR DEPUTY-SPEAKER· The question is·

"That clause 19 stand part of the Bill"

The motion was adopted.

Clause 19 were added *to the Bill.*

Clause 20—(*Amendment of Section* 32)

SHRI INDRAJIT GUPTA: I beg to move·

Page 7,—

omit lines 8 *to* 14 (15)

MR DEPUTY-SPEAKER: I shall now put the amendment to the vote of the House.

Amendment No. 15 *was put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 20 stand part of the Bill".

The motion was adopted.

Clause 20 *was added to the Bill.*

Clause 21 *was added to the Bill.*

Clause 22—(*Substitution of new section for section* 34)

SHRI INDRAJIT GUPTA. I beg to move:

Page 7,—

for lines 18 *to* 21, *substitute*—

"34. Nothing contained in this Act shall be construed to preclude

[Shri Indrajit Gupta]

employers employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act." (16)

Sir, I have already explained the position on this point. I want to emphasise again that this Government has no right whatsoever to prevent the solution of bonus disputes by means of collective bargaining There is no other tried and tested method by which these disputes can be amicably resolved and he knows very well that over the years, a large number of such agreements have been entered into and wherever those agreements have been entered, there has been no kind of unrest or agitation or anything on this bonus issue The matter was amicably settled. He put forward an absurd example, a hypothetical example saying that if you leave employer and employee to come to an agreement, they will agree on such a quantum of bonus that the whole capital base of the company will be eroded. Well of course, this is not a very high compliment he is paying to these managements. Of course there are no such foolish people that they will agree to bonus which will finish all the capital base of the company But does he know a single such instance? Such agreements have been entered into for several years and now there are many subsisting agreements also Can he tell me a single case where the employee entered into an agreement of which the effect was that the capital base of the concern was eroded? It is an absured thing. Therefore, in my opinion it is a vital issue. Subject to the other provisions of the Bill my amendment reads as follows.

"34. Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act."

This was there in the original Act. It was unanimously agreed to by all the parties to this legislation, including the Bonus Commission. The representatives of the employees, the government, the trade unions, etc. were all there. They came to an agreement. It is a salutary arrangement. Even now many employers are really upset over the fact that this thing is being taken away because it will bind their hands even in cases where they have more than adequate resources to pay. They apprehend in the long run this will have a deleterious effort on industrial relations Therefore, I am pressing this amendment.

SHRI S M BANERJEE: Sir, I wish to remind the minister of his promise. What will happen to those agreements which were entered into between the employees and corporations in the public sector? The agreement was for four years I am specifically mentioning the agreement in which the Minister himself played a very vital role in 1974 when the employees of the LIC —all the unions including my union, i.e., All India Insurance Employees Federation—started negotiations with the LIC Chairman, Mr Puri, who is now the Governor of the Reserve Bank. After 2 months of negotiations, the amount which was Rs 4 crores in the beginning was raised to Rs 6 5 crores The agreement was a sort of package deal in which the bonus was fixed at 16 per cent What happens to that? At that time, we wanted it only for 2 years, but the management wanted to bind the unions and they said, it should be for 4 years This can be checked from the records It was the desire of the management of LIC and the then Finance Minister, Shri Y B. Chavan that it should be for four years and we reluctantly agreed. The allocable surplus and

everything was considered by the Corporation, including the total business upto 1978. What happens to that agreement? We went to a court of law and the High Court has issued a stay order. The case may come up on 3rd March. What happens to such agreements? What happens to the Indian Oxygen agreement? In HMT, Pinjore, in 1973-74 when the profit was only Rs. 78 lakhs, they got 20 per cent bonus. But when the profit is more than Rs 2 crores 38 lakhs, they are offered 4 per cent. Is it not a sad commentary on the industrial relations? I would like to know what happens to such aggreements.

SHRI RAGHUNATHA REDDY: Sir, if Mr Indrajit Gupta's amendment is accepted, there is no necessity at all for the provisions of this Bill. Mr Banerjee has raised the issue about LIC. The provisions of this Bill or even the Act do not attract the LIC

SHRI S M. BANERJEE: Then why are they trying to recover the amount?

SHRI RAGHUNATHA REDDY: Whatever happens outside has nothing to do with the Bill Whether the agreement is validor not must be determined under some other law. I certainly believe that a wise man like Mr Banerjee would not like the LIC to be brought under the provisions of this Bill.

MR DEPUTY-SPEAKER: I am told the machine is out of order. Slips will have to be collected and that will take some time. I am told the lobbies have been cleared. Now, the rules do not permit show of hands. Members will have to rise in their seats and they will have to be counted.

MR. DEPUTY-SPEAKER: The question is:

Page 7,—

for lines 18 to 21, substitute—

"4 Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act." (16)

Let the Lobby be cleared.

The Lobby has been cleared. The rules do not permit the show of hands. Members will have to rise in their seats and they will be counted. The rule says·

" he may ask the members who are for 'Aye' and those for 'No' respectively to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded"

Now, the "Ayes" may stand in their seats—

Now, the "Noes" may stand in their seats—I think the "Noes" have it.

SHRI P. G. MAVALANKAR (Ahmedabad)· Mr. Deputy-Speaker, Sir, I have a point of order. You quoted from the rules, saying that the determination can be done only by rising in the seats We had to rise in our seats because the machine is not working

MR. DEPUTY-SPEAKER It comes to the same thing.

SHRI P. G. MAVALANKAR: No, Sir. my point is that if the machine were working it would have recorded as to who voted for and who voted against. Now, merely asking us to stand up and your giving the total, does not reflect and record the true intention and decision of the House.

MR DEPUTY-SPEAKER: Now let us have an easy way out. (*Interruptions*) Let me dispose of this. To

[Mr. Deputy Speaker]

have an easy way out, we will distribute these slips You all put your names there

The Lok Sabha divided.

Division No 22] [13.17 hrs.

AYES

Banerjee, Shri S M
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S P
Chandrappan, Shri C K
Chatterjee, Shri Somnath
Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Joarder, Shri Dinesh
Kathamuthu, Shri M
Krishnan, Shri E R
Lakshmikanthamma, Shrimati T
Mavalankar, Shri P G
Mayathevar Shri K
Modak, Shri Bijoy
Mohanty, Shri Surendra
Mukerjee, Shri H N
Mukherjee, Shri Samar
Mukherjee, Shri Saroj
Muruganantham, Shri S A
Pandey, Shri Sarjoo
Parmar, Shri Bhaljibhai
Saha, Shri Ajit Kumar
Saha Shri Gadadhar
Sen, Dr Ranen
Shastri, Shri Ramavatar
Shastri, Shri Shiv Kumar
Sher Singh, Prof
Singh, Shri D N

NOES

Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Aziz Imam, Shri
Babunath Singh, Shri
Banerjee, Shrimati Mukul
Barua, Shri Bedabrate
Basappa, Shri K
Bhagat, Shri H K L
Bhargava, Shri Basheshwar Nath
Bhattacharyyia, Shri Chapalendu
Bhuvarahan, Shri G
Brahmanandji Shri Swami
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D B
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K
Daga, Shri M C
Dalbir Singh, Shri
Darbara Singh, Shri
Daschowdhury, Shri B K
Dhillon, Dr G S
Dhusia Shri Anant Prasad
Dixit, Shri G C
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dube, Shri J P
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gangadeb, Shri P
Gavit, Shri T. H
Gill, Shri Mohinder Singh

Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hari Singh, Shri
Jadeja, Shri D. P
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Joshi, Shri Popatlal M
Joshi, Shrimati Subhadra
Kadam, Shri J G
Kadannappalli, Shri Ramachandran
Kader, Shri S A.
Kahandole, Shri Z M.
Kailas, Dr.
Kale, Shri
Kamakshaiah, Shri D
Kamala Prasad, Shri
Kamble, Shri T D
Kamla Kumari, Kumari
Kapur, Shri Sat Pal
Karan Singh, Dr
Kaul, Shrimati Sheila
Khadilkar, Shri R. K.
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Krishnappa, Shri M. V
Kureel, Shri B. N.
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri G. S
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohammad Tahir, Shri
Mohammad Yusuf, Shri
Nahata, Shri Amrit
Naik, Shri B. V.
Negi, Shri Pratap Singh
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Pant, Shri K C
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B
Patnaik, Shri J. B.
Peje, Shri S. L.
Prabodh Chandra, Shri
Pradhan, Shri Dhan Shah
Raghu Ramaiah, Shri K.
Rai, Shri S K.
Rai Shrimati Sahodrabai
Raj Bahadur, Shri
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath

Rao, Shri M S Sanjeevi
Rao, Shri M Satyanarayan
Rao, Shri Nageshwara
Rao, Shri P Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rathia, Shri Umed Singh
Raut, Shri Bhola
Reddy, Shri K Kodanda Rami
Reddy, Shri P V
Reddy Shri Sidram
Rohatgi, Shrimati Sushila
Saini Shri Mulki Raj
Salve, Shri N K P
Samanta, Shri S C
Sankata Prasad, Dr
Sant Bux Singh Shri
Sarkar, Shri Sakti Kumar
Sathe Shri Vasant
Satpathy, Shri Devendra
Satyanarayana Shri B
Savant, Shri Shankerrao
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankaranand, Shri B
Sharma, Shri A P
Sharma, Dr H P
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shivnath Singh, Shri
Shukla, Shri B R
Siddayya, Shri S M
Singh, Shri Vishwanath Pratap
Sinha, Shri Nawal Kishore
Sinha Shri R K
Sohan Lal, Shri T
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Sudarsanam, Shri M
Sunder Lal, Shri
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tayyab Hussain, Shri
Thakre, Shri S B
Tombi Singh, Shri N
Tulsiram Shri V
Uikey, Shri M G
Unnikrishnan Shri K P
Vekaria, Shri
Venkatasubbaiah, Shri P.
Vikal, Shri Ram Chandra
Yadav Shri Chandrajit
Yadav Shri Karan Singh
Yadav Shri R P

MR DEPUTY-SPEAKER The result of the division is Ayes 28, Noes 186 The amendment is lost

The motion was negatived

MR DEPUTY-SPEAKER The question is

"That Clauses 22 to 28 stand part of the Bill"

The motion was adopted

Clauses 22 to 28 were added to the Bill.

Clause 29— (*Amendment of section 36 of the Inome-tax Act*)

MR DEPUTY-SPEAKER: Now Clause 29 Mr Indrajit Gupta do you move the amendment?

SHRI INDRAJIT GUPTA. Yes, Sir. I beg to move

Page 9 line 24,—

add at the end—

"or under any agreement or settlement between the employees and their employer under a formula which is different from that under this Act" (17)

SHRI ERASMO DE SEQUEIRA: Sir, I have a point of order on this. Please look at Clause 29 at line 19 of page 9. (*Interruptions*)

MR. DEPUTY-SPEAKER: Order please. I am hearing a point of order. I am not able to hear it. Members who want to go may do so quietly please. Order.

SHRI ERASMO DE SEQUEIRA: This clause as you will see, introduces a provision in the Income-tax Act, viz.:

> "Provided that the deduction in respect of bonus paid to an employee employed in a factory or other establishment to which the provisions of the Payment of Bonus Act, 1965 apply shall not exceed the amount of bonus "payable under that Act."

What this clause is saying is that if an employer pays to his worker more than what the Act provides for, he shall not be allowed to deduct whatever he has paid in excess, from his income-tax return. The effect of this is that an income which, before this clause, would not be taxable, becomes, by the introduction of this clause, taxable. And, therefore, I submit that this is a measure of taxation. Please refer to Article 117 of the Constitution. It reads:

> "(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President....

If you refer to Article 110, you will find that 1(a) of it says as under:

> "(a) the imposition, abolition, remission, alteration or regulation of any tax;"

I have submitted to you that the effect of the introduction of this provision is to tax an income which, before this clause, would not be taxable. Therefore, this Clause seeks to introduce a tax. This, Sir, is prohibited from consideration in this House without the recommendation of the President. I, therefore, submit that unless this clause 29 is removed from this bill, the consideration of this bill must stop at this very moment. This is my point of order.

SHRI RAGHUNATHA REDDY: Clause 29 of the Payment of Bonus Bill, 1976 seeks to add the following proviso to section 36(1) (2) of the Income-tax Act, 1961:

> "Provided that the deduction in respect of bonus paid to an employee employed in a factory or other establishment to which the provisions of the Payment of Bonus Act, 1965 apply shall not exceed the amount of bonus payable under that Act."

The proviso has been proposed to be added by way of abundant caution and is essentially of a declaratory nature. Under the proviso the deduction under section 36(1) of the Income-tax Act in respect of sums paid to an employee as bonus shall not exceed the amount payable as bonus under the Payment of Bonus Act, 1965 in relation to an employee employed in a factory or other establishment to which the Bonus Act applies. Obviously, the amount deductible cannot exceed the amount of bonus payable under the law, being the Bonus Act. Hence, the proviso cannot be regarded as purporting to alter or regulate the income-tax within the meaning of article 110(1)(a) of the Constitution, or imposing or varying the income-tax within the meaning of article 274(1) of the Constitution and, as such, recommendation of the President is necessary under article 117(1) or article 274 of the Constitution.

MR. DEPUTY-SPEAKER: My difficulty is that Ministers come and just read out a prepared statement, without answering the points raised by the hon. Member. I am not able to follow

[Mr. Deputy Speaker]

it. There are two or three questions that have been raised. You would have to help me. Otherwise, how can I give a decision? The first question is whether this particular clause makes any deduction or payment in excess of the specified limit to the workers taxable. That should be made clear. If it is made taxable under the Income-tax Act, does it mean a variation of taxation which will attract article 110 of the Constitution? These are the points I would like him to meet, and then only I will be able to give a decision

SHRI RAGHUNATHA REDDY: Article 110 of the Constitution can be attracted only if it falls within the subject-matter which is covered by the Income-tax Act. It is my submission that it is purely of a clarificatory nature and whether this provision is here or not, unless a deduction is covered by the provisions of the Bonus Act, it cannot be deducted under the Income-tax Act Therefore, it is purely of a clarificatory nature and it does not fall within the purview, within the ambit, of article 110 If it is agreed that it does not fall under article 110, then the question of application of the provisions of article 117 or 274 does not arise.

SHRI N. K. P. SALVE: The terms "tax" and "total income" have been defined in the Income-tax Act. I have sent for the Income-tax Act. As soon as that is received, I will read it out to you. The two are conceptually different entirely. The total income is not tax and tax is not total income. On a very careful reading of this proviso, let us see whether it impinges either on what has been defined as "tax" or it gets into the "total income". If it comes on the periphery of the total income then, of course, article 110 is not applicable; but if it falls within the postulates of what is described as "tax", then, of course, he will have to deal with it. The provision reads:

"Provided that the deduction in respect of bonus paid to an employee employed in a factory or other establishment to which the provisions of the Payment of Bonus Act, 1965 apply shall not exceed the amount of bonus payable under that Act."

This will come as a proviso to subsection 1 of Section 36.

Section 36 of the Income-tax Act is the section which deals with various deductions in the computation of what is known as business income for arriving at the total income So, this is entirely a deduction under a section, section 36 of the Income-tax Act, which is sought to be amended If this is a section which deals entirely with the deductions to be allowed in the computation of the total income and statutorily you determine a certain ceiling for achieving certain social objectives, then I submit such an amendment would only impinge on the question of what ought to be the total income of an assessee, and it has nothing to do with what might fall within the purview of the term "tax"

If something is not to fall within the purview of "tax", the question of imposition, remission, alteration, regulation etc, are utterly irrelevant

Firstly, it has to be established that what is sought to be modified or altered falls within the purview of the tax itself Section 36 is not a charging section It is the charging section which deals with the levy of tax and there are other sections which create an artificial charge. Section 36 does not in any way create any artificial charge also. It deals only with deduction in the computation of the total income and as such I submit that this provision is not at all hit by article 110 in any manner whatsoever.

SHRI SOMNATH CHATTERJEE (Burdwan): The hon. Minister himself said that the amendment was of a

clarificatory nature with regard to tax. Mr. Salve does not agree with him, and he has made the case worse. if I may say so with respect. On the hon. Minister's own admission, and I find that he is in good company now.

SHRI RAGHUNATHA REDDY It is purely a matter of abundant caution.

SHRI SOMNATH CHATTERJEE: You said that it was clarificatory with regard to tax

SHRI RAGHUNATHA REDDY Not clarificatory with regard to tax The caution is clarificatory

SHRI SOMNATH CHATTERJEE He is going back, he should make up his mind

MR DEPUTY-SPEAKER If you are too cautious, you run into difficulties You should be a little adventurous.

SHRI SOMNATH CHATTERJEE: Mr. Salve says that there is a distinction between tax and total income and that because this matter relates to computation of the total income, it has nothing to do with tax, and that therefore it does not come under article 110. But without ascertaining the total income, there is no question of assessment of tax For computing the total amount of tax payable, computation of total income has to be made In any event, Mr. Salve has not read sub-clause (g) of article 110(1) which says:

"any matter incidental to any of the matters specified in sub-clauses (a) to (f)"

A matter which is incidental will be sufficient for the purpose of bringing it within the term "Money Bill".

SHRI N. K. P. SALVE (Betul): Is he arguing that it does not come under (a) but falls within (g)?

SHRI SOMNATH CHATTERJEE: If it relates even incidentally to matters regarding tax or imposition of tax, it comes under Money Bill. Therefore, I submit that on their own showing, on the basis of both Mr. Reddy's statement and Mr. Salve's statement, this is intrinsically connected with the question of tax and therefore it comes within Money Bill

MR DEPUTY-SPEAKER. I find myself in a very difficult situation In the first place, I had not anticipated this question to arise, although I do make efforts, before coming to the Chair, to read all the Bills I am not a lawyer, but I try to apply my common sense and understanding I hope the House will agree that it is too much for any person, even if he is a tax expert, off-hand to grasp everything of the submissions that the Members have made and then come to a conclusion. In any case, it is not for the Chair to decide, whether this is constitutional or not constitutional ....

SHRI S. M BANERJEE: Allow us to move a motion for adjournment ..

MR. DEPUTY-SPEAKER I am not here to give a judgment whether this attracts this part of the Constitution or not. If it attracts this part of the Constitution, then certain things follow from that If it does not—I think, it is too complicated a question to be decided off-hand in this manner. Therefore, I have only two alternatives open to me I will do that with the consent of the House. I think, in life one has to learn that if is often discretion which is the better part of valour. Either the House cooperate by having a look into this clause a little more closely—the rules provide for that, there is rule 89, they can always come back tomorrow, let no mistake be committed, it is upto you—or, if you do not want that, if the House so

[Mr. Deputy Speaker]

decides, I will put this to the House. Then, of course, it is for the courts to decide. If somebody goes to the court later on, that this is unconstitutional

SHRI S. M. BANERJEE: The House cannot decide it.

SHRI SOMNATH CHATTERJEE: You have to decide about the point of order.

MR. DEPUTY-SPEAKER: I am just putting the two alternatives before the House. The House is supreme It will decide. My ruling will be, either one of the two alternatives

SHRI S. M. BANERJEE Sir, a point of order has been raised by Mr. Sequeira which has been supported by my hon. friend Shri Somnath Chatterjee. According to our submissions, this Bill by any stretch of imagination, even if you want to stretch it to any extent, falls within the definition of money Bill. In that case, certain requirements are necessary Mr. Salve has argued the case. There is apparently some difference between the argument of Mr. Salve and that of Mr. Raghunatha Reddy. The Law Minister chooses to remain silent He has not applied his mind or mouth. It is agreed sign. I hope, he understands the implications of it.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): The Law Minister is ready to speak.

SHRI S. M. BANERJEE I always know he can speak

The question is, you have to give a ruling on the point of order raised The point of order cannot be decided by this honourable House, however supreme and sovereign it may be. You say, the legal matters cannot be decided by you. As a Member of the House—I am here since 1957, rightly or wrongly—I am unable to take a decision. You have to give a ruling on the point of order. We appeal to you, to your sense of justice, fairness and impartiality, to give your own judgment. Let them come back tomorrow before the House.

MR. DEPUTY-SPEAKER: I am not giving a ruling. What I was saying is that I have my grave doubts. I am not able to digest all these legal arguments within this short time. There is a saying in Latin: *In dubio pro commutate* which means when you are in doubt, act on behalf of the community This is the community here I have my grave doubts because of the very constitutional issues that have been raised. I have got to study them myself, even if I am to give a ruling which can be considered fair Therefore I would say that rather than give a ruling when I am in doubt, I will act on behalf of the community by putting it to the House.

SHRI TRIDIB CHAUDHURI (Berhampore): It has been the practice and procedure in this House that when the Speaker is in doubt or the House or a section of the House is in doubt about the constitutionality of a proposed Bill, then only the matter is brought to the whole House. Otherwise, on a point of order, the Chair gives the ruling But, anyway, when you yourself are in doubt, it means that you require some time to consider this thing The best course would have been, I submit, for you to take some time I would appeal to the majority Party— they can ride rough-shod over everything but, still, I would appeal to their sense of fair-play not to press upon deciding this by majority vote. This is a legislative measure; let us take some time Nothing is lost and the Heavens will not fall if you pass this Bill one or two days later

SHRI K RAGHU RAMAIAH: We accept your ruling. Your suggestion was that when you are in a doubt of this nature, you should ascertain the community's feeling.

My friend just now said that if it is a constitutional issue, then the Chair has no jurisdiction—or whatever it is—but on a point of order, the Chair has to decide. But supposing a point of order involves constitutional issues?

MR. DEPUTY-SPEAKER: Your hands speak more than your mouth!

SHRI ERASMO DE SEQUEIRA: My submission is that you are acting on a wrong premise that this is a money Bill. It is my submission that it is not a money Bill. If our thinking is correct, we say that it is a financial Bill.

Mr. Salve said that the concept of tax and the concept of income are separate things. I would like to bring to his attention 110(a) which I had quoted which says 'anything that falls under that section which is exemption, abolition, remission or alteration' and I think there is no doubt that the introduction of this proviso in the Income-tax Act will result in the alteration of the tax as it exists today because this was not taxable before but now it is become taxable income and therefore the tax rate is affected.

I would also like to submit, regarding what you said about putting it to the community, that when a point of order is raised, since you are looking for a way out, it is for the Minister of Law to find out a way; I don't think it will take long but, if he has not found a way out, in a sense of fairness from the Opposition to the Government, I would like to suggest a way out The way is presumably under the Article which makes this a financial Bill. All that it requires is the President's sanction. Let him obtain it from the President and come forward to the House tomorrow and then we will deal with it.

SHRI N. K. P. SALVE: The problem will become very much simpler if I read out the concept of tax. 'Tax' is defined in the Income-tax Act; I am reading section 2(43):

> "Tax in relation to the assessment year commencing on the first day of April, 1965 and any subsequent assessment year means income-tax chargeable under the provisions of this Act and in relation to any other assessment year, income-tax and super-tax chargeable under the provisions of this Act prior to the aforesaid date."

Does it, in any manner, impinge on the question of income-tax or super-tax payable under this Act? 'Total income' has been defined. 'Total income' means "the total amount of income referred to in section 5 computed in the manner laid down under this Act". This is computation of total income; section 36, a section which is in Chapter IV of the Income-tax Act dealing with computation of the business income, reads as follows:—

> "The deductions provided for in the following clauses shall be allowed in respect of matters dealt with therein in computing the income referred to in section 28."

And section 28 deals with business income.

Therefore, I submit that, so far as tax is concerned, there can be no doubt left now that 'tax' means income-tax and super-tax payable under the provisions of this Act. Therefore, I submit that this particular proviso, in no way whatsoever, impinges on the question of income-tax and super-tax payable under the provisions of this Act. It is only relatable to total income.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): The issue is simple, according to me, and has a very narrow compass. The hon. Member has rightly referred to article 117. If I may read only the relevant portion of that:

[Shri H. R. Gokhale]

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 10.... "

A reference was made to sub-clause (g). (g) is not included in this.

" ..In sub-clauses (a) to (f) of Clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President . ."

That is the relevant portion. This now takes us to the other relevant article, which is in fact more relevant, but is related to article 117, that is, article 110 If you see article 110—we are really concerned with sub-clause (a) of Clause (1) of article 110 for the present purpose—you will find this:

"(1) For the purposes of this chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely,

(a) the imposition, abolition, remission alteration or regulation of any tax;"

Therefore, in order that the scope of sub-clause (a) of Clause (1) of article 110 is attracted, it should be imposition of tax or abolition of tax or remission of tax or alteration of tax or regulation of tax. Unless it falls under any one of these, the Clause will not be attracted.

So far as the proviso is concerned, it only says:

"Provided that the deduction in respect of bonus paid to an employee. . . . shall not exceed the amount of bonus payable under that Act"

It really reiterates the existing position, in my submission. That is why, my colleague, the Labour Minister, has said that it is by way of abundant caution. Even under the existing Act, such deductions can only be in respect of bonus which is legally payable. Therefore, it is not as if anything new has been added by the proviso. It has rightly been said that it is just an explanation, something which he said is by way of abundant caution. What really the proviso does is, assuming that the proviso does for the first time, —on that point, I support my hon. friend, Shri Salve—that really the tax is the tax which is determined on the computation of the total income and it is a process in the computation of the total income that certain deductions are permitted under the Act. The bonus is only a deduction, it is not the remission of a tax, it is not the alteration of a tax, or the imposition or a tax When you compute the total income. you will not take into account the quantum of bonus which is not permitted under the Act

14 hrs.

SHRI INDRAJIT GUPTA: It is a regulation

SHRI H R. GOKHALE: It is not a regulation, because the tax payable as it is under the Act is in respect of a valid legal deduction permissible I would submit that in view of this provision, there is no question of clause (a) of Article 110 being attracted and I would submit with all respect to the hon. friend, who has raised an objection, that it is not a valid objection .. (*Interruptions*)

MR. DEPUTY-SPEAKER: We have had enough discussion and as far as I am concerned, I have stated the position, I will act according to the collective wisdom of the House and about constitutionality or unconstitutionality, the courts will take care of that later on

SHRI ERASMO DE SEQUEIRA: The procedure has not been followed.

MR. DEPUTY-SPEAKER: If I am clear in my mind that this is a financial Bill, of course, I would ask them

to obtain the President's recommendation, but I am not clear about it. I say that the best thing is to leave it to the House and I am going to do that, and it is upto you to throw it out or to accept it. The arguments are there, everybody has heard; the House will apply its mind.

MR. DEPUTY-SPEAKER: Now I shall put amendment No. 17 to clause 29 moved by Shri Indrajit Gupta to the vote of the House.

Amendment No. 17 was put and nagatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 29 stand part of the Bill"

The motion was adopted.

Clause 29 was added to the Bill.

Clauses 30 and 31 were added to the Bill.

Clause 1—(*Short title and commencement*)

SHRI RAMAVATAR SHASTRI: I beg to move:—

Page 1, lines 11 and 12,—

Omit "On the basis of profits or on the basis of production or productivity and for matters connected therewith." (32)

उपाध्यक्ष महोदय : यह जो लांग टाइटल था उसे इन्होंने बदल कर नयी शक्ल में इस बिल में शामिल किया है जो इस प्रकार है:

"An Act to provide for the payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith"

मेरा संशोधन है कि जहां एस्टेब्लिशमेंट्स का जिक्र है जैसे

"An Act to provide for the payment of bonus to persons employed in certain establishments"

वहां आ कर के फुलस्टाप लग जाना चाहिए और उस के बाद के जो शब्द हैं उन शब्दों को निकाल देना चाहिए। मेरे संशोधन का अर्थ इतना ही है। इस के जरिए मैं चाहता हूं कि जो मुनाफे की बात कही गई है, जो उत्पादन की बात कही गई है, जो उत्पादन क्षमता की बात कही गई है इन तीनों बातों को यहां इस बिल में रखने की जरूरत नहीं है। यह बहुत सफाई के साथ कहा जा चुका कि मजदूरों का बोनस जन्मसिद्ध अधिकार है, वह मिलना चाहिए। उनकी कमाई का एक हिस्सा जमा रहता है मालिकों के यहां जिसको डेफर्ड वेज भी कहते थे, उसी रूप में वह माना जाना चाहिए और इस बात को मानते हुए जो मैं ने संशोधन दिया है कि आगे के शब्दों को निकाल दिया जाये, शब्द "इस्टैब्लिशमेन्ट" के बाद के, तभी हम मजदूरों के हकों की हिफाजत कर सकेंगे नहीं तो अभी मालिकों की मर्जी पर, कारखानेदारों की मर्जी पर उनको छोड़ना चाहते हैं जिनको कि हमने तरह तरह के नाम से पुकारा है जिनको मजदूरों और गरीबों का खून चूसने में विश्वास है, जो देश की तरक्की में या देश में जनतन्त्र विकसित हो इस पर विश्वास नहीं करते, उनका एकमात मकसद यही है कि मैक्सिमम प्राफिट कैसे मिले। यदि ऐसे लोगों को आप इतना बड़ा हथियार दे देंगे तो अच्छा नहीं होगा। हिन्दुस्तान में पूंजीवाद बढ रहा है, वह अरबों खरबों के मालिक होते जा रहे हैं और मजदूर तबाह हो रहे हैं। इसलिए मेरा निवेदन है कि लांग टाइटिल में इतना ही रखिए और बाकी जैसा मैं ने बताया है उन शब्दों को निकाल दीजिए।

SHRI RAGHUNATHA REDDY: This question was debated since yesterday

[Shri Raghunatha Reddy]

afternoon and I do not think I am in a position to accept the amendment.

MR. DEPUTY-SPEAKER: I will now put amendment No. 32 of Shri Ramavatar Shastri to vote.

Amendment No. 32 was put and negatived.

MR. DEPUTY-SPEAKER: Now, the question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI RAGHUNATHA REDDY: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed"

Now, why so many names again? We have had so much discussion on this.

Shri Ramavatar Shastri—you just made your speech. Then, Shri Dinen Bhattacharyya. Shri D. D. Desai

Shri Somnath Chatterjee. Whenever I see your name....

SHRI DINEN BHATTACHARYA: You get nervous.

MR. DEPUTY-SPEAKER: He is so much in the mind of everybody. Then, Shri B. V. Naik's name is there Why so many? you will kindly realise that we are running much behind time Not more than five minutes each I can give.

Shri Somnath Chatterjee.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Five minutes each will mean one hour. We are already much behind schedule. One or two minutes should be enough.

MR. DEPUTY-SPEAKER: I know. Hon Members will be as brief as possible.

SHRI SOMNATH CHATTERJEE: cannot be dictated like this.

MR. DEPUTY-SPEAKER: No, no. There is no question of dictation. He is only appealing. He is expressing his difficulties.

Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE (BURDWAN): This is nothing but an anti-labour Bill. The tragedy is that Shri Raghunatha Reddy is presiding over it and taking away the very minimal right of the working class in this country which one of his predecessors has condescended to accept after a good deal of struggle by the working class in this country.

Since emergency I have seen that two bonuses have been granted by this government. One is by means of voluntary disclosures of concealed income by which only Rs. 750 crores have been whitened and these admitted cheats, admitted income-tax dodgers have got the benefit of this Government's wonderful socialistic policy by which they have avoided all prosecution, they have avoided all penalty under the Income Tax Act and the Wealth Tax Act. Now, they are having a large bonanza of Rs. 750 crores in their hands, to do whatever they want and the working class must suffer. Kindly remember. In that Bill you did not make any provision how that extra money which has now got your blessing and which has now been purified will be utilised even for

industrial production in the country. Now you are accusing the working class of economism and you want to take away the very minimal bonus that they were getting after a good deal of struggle. That you want to take away.

Now, what is this bonus? How many thousands of rupees are granted by way of bonus?

At the end of the year if they want to purchase some clothes for the children, if they want to purchase some necessities of life, if they want to pay off their debts which have accumulated in the course of the year, due to rising cost of living, all that cannot be done, all this is taken away. They have taken away the minimum right even which the working class have been enjoying for the last few years. This is my submission. The Ministry and the Minister have carried out researches for which there is not even slightest justification, in the theeory propounded from the decision of the Supreme Court. It is being quoted day in and day out as if they have found out the real ratio of determining the bonus system. What is payment of bonus and what is it that they say? It must be connected with production or productivity Now, that was a case where the Birlas and big moneybosses were trying to get increased prices for their cars. And in considering this aspect, the Supreme Court, in fixing the ceiling price of the car, made certain observation about bonus. But that is now being taken out of context and this Government becomes enamoured of or admirers of the Supreme Court suddenly, and quoting this in and out of the House it wants to build up a facade for this obnoxious Bill. You are just taking the people for a ride and you know fully well that there is no justification at all. The Grindlays Bank employees for instance are taken out of the purview of the Bonus Act. Mr. Gupta's Union is controlling it. Before this Ordinance came into being, they entered into agreement with management for payment of bonus of 20 per cent. Now after this ordinance came into existance, the Management said, we are not bound at all. Setcion 31A was shown to them and it was said that this was outside the purview of the Act What is this wonderful thing, I do not know. The management is willing to pay but the Reserve Bank has issued a circular asking the Bank not to pay. Management does not oppose but the Government does not allow payment to be made. This is the position. This only shows the true character of this Government We have got a completely rotten economic position of the corporate sector. There is completely rotten economics. There is no control over them, their diversion of funds, the way money is being accumulated in the blackmarket, companies' directors living in luxury and so on. All these things are not affected but they are increasing day by day and they are not suffering. When it comes to workers they are being made the targets of your attack. I submit that this is only an attempt to take away even the minimum rights of the working class in this country. You have declered a war on the working class of this couuntry. You want to teach them a lesson because the working class are your enemy. This is the true picture of this Government

DR. RANEN SEN (Barasat): Sir, 4th February, 1976 is the 'Blackest Day' for the working classes of India.

I say, the working class will remember this as the 'blackest day' in their lives. Yesterday and today Mr. Indrajit Gupta has rebutted all the arguments Mr. Reddy could mobilise in support of the Bill which cannot be supported by any honest man. Whether he is connected with any trade union movement or not, no honest man would support such a Bill.

[Dr. Ranen Sen]

That takes away the existing right. Sir, I am not a lawyer. But, I can recall that there have been court cases and judgments too and there have also been Government instructions to the effect that the existing rights enjoyed by the workers cannot be eroded. That is the existing right. And, as all Members have said, the workers got that right after several years of fighting.

Therefore, I say that this is a very black day for the working class. It is not a question what would be the effect of this Bill. The effect is that the bonus is linked up with production. What is going to happen? I want to highlight that point So much has been said about increase in production which the workers should give to the nation. Already the production position is very bad. Take for example the jute industry employing more than 2 lakhs of workers. Owners are telling that they propose to curtail the production still more. And what would be the effect of this Bill on the workers. Even if they want to produce more they won't get any scope. That scope is being completely blocked by the employer. Take also the case of textiles. I can quote another example. Take Jay Engineering works. The workers get the production bonus over and above their wages. Now, there the production has come down gradually—to a very low level. The workers have now lost their production bonus. The linking of annual bonus to production would really affect the total income of the workers and they are going to lose in all sectors of industry. This is what would happen everywhere in almost every industry. I have cited one example. Take the Hindustan Motors—a very big company employing thousands of workers. There these things are happening. Production bonus is already existing there and production is being cut and now you are linking that up with production.

Sir, Shri Reddy was making a submission that if the management and the trade union enter into a conspiracy to pay extravagant bonus, then what would happen? The whole firm may be liquidated. The Company may lose everything. Mr. Reddy was formerly the Minister of Company Law Affairs. Shri Indrajit Gupta had asked him to cite one example where this has been done. After all he knows that all these things are determined by the Director Board. There are examples of Government's and workers money having been eaten up. You are a former Minister of the Company Law Affairs. I do not think there has not been any agreement being entered into by the management with the works just to liquidate everything

My last point is this because you have already rung the bell. Even today, the far-sighted employers are prepared to enter into an agreement in many cases, with the trade unions and the working-class. And there are employers who are farsighted in the sense that they want better industrial relations. But, this Bill will only create an atmosphere in our country that it will only hamper that industrial relation by and large I can visualise that day when the workers might react. This year they have not reacted because they were taken by surprise. They have racted to some extent. But, next year or a year after that, the working class are not going to tolerate this. They are going to hit back and go on strike And Government will be held responsible for the bad industrial relations Government is speaking about production being hampered. If there is no proper industrial relation, the national production will be hampered.

Therefore, I say this is a piece of legislation which is disturbing. Our Party Chairman, Shri S. A. Dange, has said that this is a bonus to the employers, to industrialists and to big business.

MR. DEPUTY-SPEAKER: As I said, we are hard pressed for time. If Shri Desai and Shri Naik would forgo their right to speak, it will be a great help. You are going to support the Bill. The Minister can defend it. We have had enough discussion.

SHRI D. D. DESAI (Kaira): I think I will forgo it.

SHRI B. V. NAIK (Kanara): You are not calling me?

MR. DEPUTY-SPEAKER: I said if Shri Desai and Shri Naik forgo their right to speak, it would be a great help.

SHRI B. V. NAIK: If you would bear with me, I am not going to make a speech. I would just ask a few questions of the hon. Minister.

SHRI RAGHUNATHA REDDY: He can discuss them with me.

MR. DEPUTY-SPEAKER: He says you can discuss with him.

SHRI B. V. NAIK: I am asking a few questions. If you give me one minute, that would be more than enough.

MR. DEPUTY-SPEAKER: I will give you one minute because I see your beautiful face after such a long time. But may I remind you that in third reading, either you support the Bill or oppose it. You do not ask questions.

SHRI B. V. NAIK: I make a very simple observation. Yesterday, the hon. Minister was good enough to state that it is a question of high cost economy. I am not a lawyer, nor a trade unionist; I have just read some elementary economics. When he said it is a question of a high cost economy, is he aware that the labour cost, the labour factor, in this country is considered to be one of the cheapest in the whole world, including China? In that situation, how is that any remuneration that has been given over to labour, whether it is in the form of dividend or in the form of wages, is going to contribute to a high cost economy, taking also into consideration your cost of inefficiency?

MR. DEPUTY-SPEAKER: One minute is over.

SHRI RAGHUNATHA REDDY: This debate has been going on since yesterday afternoon. Most of the questions raised today have been raised during the course of the debate. I must reiterate that Government have abundant faith in the patriotism and capacity for sacrifice of the working class (*Interruptions*).

SHRI SOMNATH CHATTERJEE: Mr. Raghu Ramaiah is applauding. Has he heard what he said?

SHRI RAGHUNATHA REDDY: The working class in this country has stood solidly behind the Government in our fight against the forces of right reaction, forces which are of the darkest character in our phase of history. It is not with a very easy conscience that we came forward here with this Bill. Having taken into consideration the economic factors and various other considerations, the war in international economics that the forces of right reaction are waging, both inside and outside the country, the way the international forces operate, and with the idea that this country must become economically self-sufficient and economically independent, both psychologically and otherwise, taking all these considerations into account, this Bill has been moved.

I have no doubt that the working class and the leaders of the working class would deeply appreciate the understanding of Government in this respect and extend their co-operation.

[Shri Raghunatha Reddy]

Some of the questions that my hon. friend, Shri Indrajit Gupta, had raised with regard to balance sheet and all that, are certainly matters that would be looked into by the Department of Company Affairs under the guidance of Shri Gokhale.

SHRI INDRAJIT GUPTA: Passing the buck.

SHRI RAGHUNATHA REDDY: I do hope that in course of time, after consulting my colleague, Shri Gokhale, we should be able to find some method, and have a dissussion....

SHRI SOMNATH CHATTERJEE: Now loot will go on. You will find a method later on.

SHRI RAGHUNATHA REDDY: Therefore, we will find out ways and methods of dealing with this question. I can again assure my hon. friends that we will do our best to stand by the working class and give them our best with regard to social welfare measures, housing schemes and various other measures which would compensate them.

MR. DEPUTY-SPEAKER: The question is

"That the Bill be passed."

The Lok Sabha divided:

Division No. 23] 14.25 hrs

A Y E S

Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr Henry
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri
Banamali Babu, Shri
Banerjee, Shrimati Mukul
Basumatari, Shri D.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bheeshmadev, Shri M
Bhuvarahan, Shri G.
Chakleshwar Singh, Shri
Chandra Gowda, Shri D B.
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chhotey Lal, Shri
Chhutten Lal, Shri
Daga, Shri M C
Darbara Singh, Shri
Das, Shri Anadi Charan
Dasappa, Shri Tulsidas
Desai, Shri D. D
Dhamankar, Shri
Dhillon, Dr. G S
Dhusia, Shri Anant Prasad
Dixit, Shri G. C
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dube, Shri J. P
Dwivedi, Shri Nagesnwar
Engti, Shri Biren
Gautam, Shri C. D.
Gavit, Shri T. H
Gill, Shri Mohinder Singh
Giri, Shri S. B.
Gogoi, Shri Tarun
Gokhale, Shri H. R
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh

Hari Singh, Shri
Ishaque, Shri A. K. M.
Jaffer Shatief, Shri C. K.
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V
Jha, Shri Chiranjib
Joshi, Shri Popatlal M.
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kale, Shri
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble Shri M. D.
Kamla Kumari, Kumari
Kapur, Shri Sat Pal
Kaul, Shrimati Sheila
Kisku, Shri A K.
Kureel, Shri B. N.
Kushok Bakula, Shri
Lutfal Haque, Shri
Mahajan Shri Vikram
Maihi, Shri Gajadhar
Majhi, Shri Kumar
Malhotra Shri Inder J.
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Maurya Shri B. P.
Mirdha, Shri Nathu Ra
Mishra, Shri G. S.
Mishra, Shri Jagannath
Mohammad Tahir, Shri
Mohapatra, Shri Shyam Sunder
Murmu Shri Yogesh Chandra
Nahata, Shri Amrit
Naik, Shri B. V.
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Mina

Kale, Shri

Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patnaik, Shri J. B.
Poje, Shri S L.
Pradhan, Shri Dhan Shah
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Rao, Shrimati B. Radhabai A
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Shri K. Narayana
Rao, Shri M. S. S njeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Reddy, Shri K Kodanda Rami
Reddy, Shri P. Narasimha
Reddy, Shri P. V.

Reddy, Shri Sidram
Rohatgi, Shrimati Sushila
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Sathe, Shri Vasant
Satpathy, Shri Devendra
Shafee, Shri A.
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shivnath Singh, Shri
Shukla, Shri B. R.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M
Sunder Lal, Shri
Suryanarayana, Shri K
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tombi Singh, Shri N.
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri R. P.

NOES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Chatterjee, Shri Somnath
Das, Shri R. P.
Deb, Shri Dasaratha
Deo, Shri P. K.
Dutta, Shri Biren
Gupta Shri Indrajit
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Horo, Shri N. E
Jharkhande Rai, Shri
Joarder, Shri Dinesh
Kathamuthu, Shri M.
Kiruttinan, Shri Tha
Krishnan, Shri E. R.
Mavalankar, Shri P. G.
Modak, Shri Bijoy
Mohanty, Shri Surendra
Mukerjee, Shri H. N.
Mukherjee, Shri Samar
Mukherjee, Shri Saroj
Muruganantham, Shri S. A.
Panda, Shri D. K.
Parmar, Shri Bhaljibhai
Roy, Dr. Saradish
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar

Sambhali, Shri Ishaque
Sen, Dr Ranen
Sequeira Shri Erasmo de
Shastri, Shri Ramavatar
Sher Singh, Prof.
Singh, Shri D N.

MR DEPUTY SPEAKER The result of the division is Ayes—183, Noes 38

The motion was adopted

SHRI DINEN BHATTACHARYYA As a mark of protest, we walk out from the House

SHRI INDRAJIT GUPTA As a mark of protest, we withdraw from the House

Shri Indrajit Gupta, Shri Dinen Bhattacharyya and some other hon Members then left the House

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14 30 hrs

BUSINESS OF THE HOUSE

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K RAGHU RAMAIAH) Mr Deputy-Speaker a few days ago I mentioned about the possibility of a sitting on the 6th, when we were disussing the question of finding time for discussion on sugar cane price, and I said that if we were to sit on the 6th we shall try to do government work and complete the discussion left over but that there will be no non-official work I stand here to confirm that we do sit on Friday the 6th and that there will be no non-official business that day and that we will do government work and if the discussion on that resolution is not over, complete the discussion also

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14 32 hrs

ARREST OF MEMBERS

MR. DEPUTY-SPEAKER I have to inform the House that the Speaker has received the following two telegrams dated the 3rd February, 1976 from the Additional Inspector General and Commissioner of Police, Madras—

(1) "Thiru P A Saminathan, M P, son of Thiru Arumuga Mudaliar Coimbatore District, was arrested in front of Anna Samadhi Kamaraj Salai Madras, by sub-Inspector of Police Perumanathur Police Station Coimbatore District, at 11 00 hours today 3-2-1976 and detention order issued by the Collector of Coimbatore in CMP No 10/76 dated 1-2-76 was served on him The detenu is being taken under escort to Coimbatore by Sub-Inspector of Police for being lodged in Central Prison, Coimbatore";

(2) "I have the honour to inform you that I have found it my duty that in excercise of powers conferred under Section 32/C read with Section 31A(2) of MISA, 1971, that Shri Murasoli Maran M P be detained. Shri Murasoli Maran, M P was accordingly served with detention order at 14 00 hours on 3-2-1976 and lodged in Central Prison Madras at 14 45 hours on 3-2-1976"

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14 35 hrs

HOUSE OF THE PEOPLE (EXTENSION OF DURATION) BILL

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R GOKHALE) Mr Deputy-Speaker, Sir I beg to move

That the Bill to provide for the extension of the duration of the present House of the People be taken into consideration"

After the General Elections held in 1971, the first meeting of the existing House of the People was held on 19th March, 1971 Therefore, according to clause 2 of article 83 of the Constitution, the duration of the House of the People will expire on 18th March, 1976. In the normal course of things, a general eletion would have been necessary for the purpose of constituting a new

[Shri H. R. Gokhale]

House of the People before the aforesaid date.

Under the proviso to clause 2 of article 83, the duration of the House of the People may, while a Proclamation of emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not exceeding in any case beyond a period of six months after the Proclamation has ceased to operate.

As the House is aware, the country has been passing through a critical period. The Proclamation of Emergency issued on the 3rd December, 1971 on account of external aggression and the Proclamation of Emergency issued on 25th June 1975 on account of internal disturbance are both in operation. The country was faced with a grave crisis at the time of the Proclamation of Emergency in 1975. The determined measures that have since been taken by the government under the leadership of our Prime Minister have taken people out of despondency and restored confidence among them. The 20 point programme announced by the Prime Minister is being implemented vigorously and this and the other economic measures taken by the Government have led to marked improvement in the economic situation of the country. Law and order situation has also improved. There is also considerable improvement in discipline in all spheres of national life. We cannot yet afford to relax in our efforts. The gains achieved by the nation have to be consolidated and preserved. For this purpose, it is necessary to avail of the powers under the proviso to article 83(2) of the Constitution and extend the life of the present House of the People by one year, so that allround stability and continued progress is ensured. This is what the Bill seeks to do.

I commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER: Motion moved.

"That the Bill to provide for the extension of the duration of the present House of the people, be taken into consideration."

SHRI SOMNATH CHATTERJEE (Burdwan): Sir, this is another glaring instance of misuse of constitutional provisions and is nothing but an outrage on the Constitution and also on the people of the country. The statement of objects and reasons is nothing but a joke. The real purpose of the statement of objects and reasons is to indicate the sope and necessity of a Bill. But what has happened here is, the necessity itself is given as the reason for the necessity of the Bill. In his speech, the minister has relied upon the so-called proclamations of emergency, which we say are nothing but hoax and trumped up. The Constitution no doubt provides for extension of the term of the Lok Sabha, but this should be treated as an exceptional provision, like the emergency provisions of the Constitution. But this Government has made the emergency provisions in the Constitution the normal provisions for the governance of the country. This Government cannot function under the ordinary laws of the land. The Constitution which is the organic law of the people, which the people of this country have given unto themselves, is now being treated as a mere plaything by the ruling party. I am sure the framers of the Constitution had never dreamt that there could be such abuses of the Constitution itself. The emergency provisions which shoud be taken recourse to only in exceptional circumstances are now being used for their political ends.

When this clause in the draft constitution was being discussed in the Constituent Assembly, Dr. Ambedkar moved an amendment to clause 68(2), which corresponds to the present article 83(2). In the draft Constitution, it was left to the President to extend the term of the House. It was substituted by "Parliament by law". But even then Dr. Ambedkar said, this was

nothing but an invasion of the ordinary constitutional provisions, which means this should be taken recourse to only in exceptional and extraordinary circumstances. By this Bill, what Dr. Ambedkar had apprehended has actually happened, namely, there is an invasion of the constitutional provisions of this country. At the same time, the rights of the common people of the country are being invaded by a power hungry executive and a power-hungry ruling party. Their hunger for power is insatiable and its latest manifestations are this Bill and what was done recently in Tamil Nadu, with the consequences which you have just now reported to the House.

It is clear to the people that the whole object of this Bill is nothing but to bare perpetuate the *status quo* because it suits their political interests. Having muffled the voice of the people, having taken away their right of personal liberty, having banned all meetings and processions, having gagged the press, freedom of expression and speech, having kept Members of Parliament in detention for an indefinite duration without telling them the charges they are supposedly guilty of having taken away, with the active support, I shudder to think of Mr. Gokhale also, all the people's fundamental rights, what the ruling party wants is to continue with a rubber-stamp Parliament to suit its own political ends. It is the tragedy of this country, I say, that this is all sought to be done in the name of the people of this country, when the people are the real targets of this attack.. I submit that this Bill is an obnoxious attempt and a crude attempt to justify a non-fact, I call it a non-fact because it is the so-called emergency Just now the hon. Minister said that everything is peaceful in the country, there is no trouble, law and order is restored, production has increased and the sense of despondency has gone away from the minds of the people. But you do not want to face the people This is the situation in this country.

The people have been made ineffective in the name of maintaining democracy, and this Government has shown complete antipathy towards all sections of the people which do not belong to their hue, or is not their ally, who do not listen to their voice. They do not want to listen to either constructive criticism or practical suggestions and they do not wish to enter into a dialogue with the people of this country. That is why I say that this Bill is not a *bona fide* measure and is not in the public interest. Will this Government continue to deny and deprive a large number of people of their fundamental and basic rights?

They say that the people are with them, they say that the people are not with the opposition parties; they say that the vast multitude of people in this country are behind one individual who is the leader of the political party which is in power. By mere propaganda they want to create an impression that they alone represent the public views and public sentiments. But how do they ascertain the views of the people in this country? What is the mandate of the people? The mandate given to this House is going to expire shortly. How do the people express their views when all meetings have been banned all meetings except their own? The other day I told this House how meetings in West Bengal, called by the leftist parties have been banned one after another, since the proclamation of the emergency. Even a condolence meeting called in the memory of Mr. Chou En-lai, the Chinese Prime Minister, was stopped by issuing an order under the Defence of India rules. We wanted to take out a procession, a silent procession, in memory of those persons who have been killed in Chasnala. That was not permitted and that was stopped. Then how do the people express their views? You have banned all meetings, you have banned all the discussions, you have banned all processions and you have banned all publications. You have imposed ruthlessly the censorship regulations and yet you say the people are supposedly with you.

[Shri Somnath Chatterjee]

There is no method of ascertaining what the people really think about you and what the people really want. Now they want to seek to project that the people are with them by officially sponsored demonstrations. Official agencies, like the DTC buses in Delhi, are shamelessly used, you organise the people, you create a hullabaloo and then you say that the people are with you. The mass media are shamelessly used for your own purposes. But you do not want to find out what the people think about you. The public or the people have not been given the right to express their views freely and fairly by means of an election, through the ballot paper.

Have the people of this country been given the right of recall? They have no right to recall their representatives, even if they have proved unworthy of their trust. How do the electorate control their representatives? They have chosen us as representatives for a term of five years and we are now trying to extend it without consulting them. Suppose the 20-point programme requires the continuation of this House, why do you not approach the people and ascertain their views?

I say that though this is being done in the name of exercising constitutional power, this is committing rape on the constitution by flagrant and motivated abuse, reducing the constitutional scheme of this country to a mere mockery. Abuses we have seen. Article 352 of the Constitution has become very handy for the ruling party and article 356 of the Constitution is used to achieve party ends.

The other day the Tamil Nadu was brought under President's rule under article 356. We feel that if the DMK Ministry did not justify the faith reposed in them by the people of the State, then the people of the State should have been given an opportunity within a few weeks to express their views, and if they wanted, they could have thrown out the Ministry and the party into the dust bin of history. Why should the Centre intervene at this stage and get a convenient report at a convenient time from the Governor and impose President's rule under article 356?

The DMK was the party with which the ruling party co-operated openly only five years ago, in 1971. You gave up the right to contest even a single Assembly seat. You were so much enamoured of them because that suited your political purpose and you wanted some candidates to be returned to Parliament from Tamil Nadu. Now you do not want them because you have got the emergency and the Constitution is being abused and misused for your party purposes. Under the garb of emergency you can do anything in this country. This is what is happening.

I am not holding any brief for the DMK Ministry as such, but see the way this Government behaves and misuses the constitutional provisions. You engineered the charges to be made against the Ministry and then you assume the role of prosecutor and then Judge. On these charges framed by yourself, you issue the order of President's rule. This is the way the people's verdict is being respected by this Government.

The Tamil Nadu people have voted them to power for five years with the greatest majority known there. You cannot wait for another six or ten weeks for the purpose of giving them an opportunity for giving their views again.

The Governors in this country, I am very sorry to say, are behaving as clerks, and they are defiling the Constitution by their abject surrender to the vested interests which are monopolising the Centre.

Even before the so-called emergency in June, 1975, do we not know how many by-elections have been kept pending. For what reasons? Why was not the Parliamentary by-election from Trivandrum held? Why was it cancelled at the last moment? Why are so many seats kept vacant in Bihar, West

Bengal, throughout the country? No explanation has been given. It is because it does not suit them, because they found that the wind was not in their favour. What with Jabalpur and other places, they felt that they could not face the people.

I charge that this Bill has been conceived by this Government, by the ruling party, as a means to avoid facing the people because they want to run away from the people. It is a product of nervousness and cowardice, and that is why it is being given as a lollypop to their party MPs., along with the bonanza of a tax-free allowance, so that they would keep quite. They believe that they have never had it so good in the country in the past, and they want to perpetuate their hegemony by rampant abuse of the Constitution. One should have thought that it was wholly immaterial whether, "A" or "B" remained in Parliament or not We do not believe in, nor do we preach the indispensability of any body of persons or individuals.

They think they are indispensable; they think their indispensability is because of the indispensability of their leader and that is why they want to perpetuate themselves as the only arbiters of the fate of the people of this country. But they forget thereby they are expressing lack of confidence in themselves

Today the stark reality is that they want the people to remain enslaved with no manner of freedom, whatsoever. They want a committed and ineffective judiciary and they want a majority in Parliament consisting of their yes-men with their conscience mortgaged and tongue-tied.

The attitude of this Ruling Party is that the people are no longer the masters but they are the masters of the people. It is no longer a democracy of the people by the people or for the people. This democracy in spite of the people, because that only suits them. That is why they do not care to seek the verdict of the people. What justification they have to continue this Parliament without placing their balance-sheet before the people of this country and getting their sanction for their continuance?

This duplicate emergency is being utilised as a ruse to continue in power. On 3rd December, 1971, an emergency was declared when there were really some dangers to the security of the country by foreign aggression. But our Jawans won a great victory within 13 days and Bangla Desh was liberated. Everybody hailed that. We applauded the victory of the Jawans although the credit was sought to be arrogated by one single individual for that great victory. Even after that, when the country had been threatened with foreign aggression and even the external aggression was continuing, elections were held in so many States, including the border State of West Bengal, which was of course nothing but a farce, as we saw there the fine though sickening example of rigging and manipulation. But even then you did not take recourse to the emergency for the purpose of avoiding the people of this country

What is the justification for not holding the elections now? They say with the implementation of the 1975 proclamation of emergency, now it is milk and honey that is flowing in this country Everybody is going to the office in time. Trains are running on time. Every body wants that trains should run in time. Everybody wants that people should work in the offices. Therefore, so long as trains are running in time, there should be no elections; so long as officegoers report to the office at 10 O'clock, there should be no elections! According to them the emergency must continue. If trains are to run on time, emergency must continue. If the country is peaceful, if they are achieving what they wanted by this emergency, if there is no internal disturbance which was sought to be the justification for issuing the second proclamation of emergency, then how can you utilise this emergency for the purpose of not facing the people of this country?

[Shri Somnath Chatterjee]

During the last 26 years of our Republic, we have had to live with emergency for more than ten years. Like poverty, emergency is supposed to remain for ever with the people of this country. Under the Congress Rule, emergency provisions have come to be regarded as part of normal state of affairs in this country, giving rise to what Mr. Setalvad described as "Constitutional dictatorship."

Mr. Gajendragadkar has said:

> "The continuous use of such unfettered powers (it happened in 1965-66) may ultimately pose a serious threat to the basic values on which the democratic way of life in this country is founded."

What he had said has proved to be true within a decade from when he said that. 34 eminent persons in this country like Chief Justice Mahajan, Chief Justice S. R. Das, Chief Justice Sinha,—they are not belonging to any political party or the Opposition Party for that matter said on 27th February 1966 as follows:

> "A grave emergency lasting over three years and resulting in the exercise of arbitrary powers by the Executive for such a long period has not been known in a democratic country."

But we had another ten years since then.

15.00 hrs.

The situation is this. They are now trying to write a new definition of democracy under the leadership of one individual because they have equated an individual with the country and the country with an individual. Now, democracy is of 'X', for 'X' and by 'X'.

We oppose this Bill.

MR. DEPUTY-SPEAKER: Now, four hours were allotted for this Bill. We took up this Bill at 2.40 P.M. If you add four hours to that, we should conclude by 6.40 P.M. Let us fix up the time when the Minister should reply.

AN HON. MEMBER: Are we sitting beyond 6 O'clock?

MR. DEPUTY-SPEAKER: It is up to you.

SHRI INDRAJIT GUPTA: The Minister can reply tomorrow.

AN HON. MEMBER: We do not want to sit beyond 6 O'clock.

SHRI K. RAGHU RAMAIAH: I suggest that the Minister may be called at 5.30 P.M. There are other stages of the Bill also, the clause-by-clause consideration of the Bill and the third reading.

SHRI ERASMO DE SEQUEIRA: This is an important Bill.

SHRI K. RAGHU RAMAIAH: The Business Advisory Committee has allotted four hours. This will give you three hours for the first stage.

MR. DEPUTY-SPEAKER: If that is agreed, the Minister will be called at 5.30 P.M.

Shri Dinesh Chandra Goswami.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Deputy-Speaker, Sir, in politics we are accustomed to see strange spectacles. Today, we have seen another such strange spectacle when the party on this side of the House which will have no difficulty in winning the elections at this time of the year is asking for postponement of the elections for one year.....

SHRIMATI T. LAKSHMIKANTHAMMA (Khammam): How do you know?

SHRI DINESH CHANDRA GOSWAMI: .. and Members on the other side of the House who by and large have no chance of coming back or gaining the confidence of the people at this time of the year are asking for

holding elections and they are opposing this Bill. I know, if the Prime Minister would have called for elections in due time, Mr. Somnath Chatterjee would have been the first person to oppose it on the ground that we are trying to reap political advantage of emergency and, if we would have won the elections, he would have said that the elections were rigged and manipulated.

This has been their argument all throughout and, today, I would very humbly appeal to my hon. friends of the opposition who feel that the continuance of this House beyond 18th March will be illegal or unconstitutional to act according to their conscience and resign membership so that to the country at large they can say that they not only advocate that one should follow conscience but act according to it.

Then, my hon. friends opposite have said that we have taken some extra allowance. I would like to know from my hon friends of the Opposition, including Mrs. Lakshmikanthamma, whether they have not taken this extra allowance or not. If they have drawn it, have they got a right to oppose it? (*Interruptions*) It is not your money; it is not my money.

AN HON MEMBER: It is in a bad taste.

SHRI DINESH CHANDRA GOSWAMI: It is not a question of bad taste. When you say that the conscience demands something, you should follow it not only by making speeches but by your actions too I hope, my hon. friends of the opposition who say that this House has no right to stay beyond 18th March will follow the dictates of conscience and act accordingly.

Again, my hon. friends of the opposition are asking: Have you taken the opinion of the people? If my hon. friends on the opposite have not been able to realise the opinion of the people today which is prevalent in the country, I would say, they do not have the eyes and the ears. Not only the entire situation today in the country justifies Emergency but even in the panchayat elections in Gujarat and other elections, it has been clearly and conclusively proved that the people have supported Emergency. I do not think we should go back to discuss it because this House has debated it a number of times and this House, by an overwhelming majority has given its credence to the Proclamation of Emergency.

My hon. friend, Shri Somnath Chatterjee, like a devil quoting scriptures, talked about Constitution and democracy. May I remind him, if anybody really put the Constitution into a dustbin, it was his CPI(M) party during the Marxist regime in West Bengal.

15.05 hrs.

[SHRI ISHAQUE SAMBHALI *in the Chair.*]

Sir, if self-interest had dictated it or if a self-interest would have been the guiding force in giving our own preferences to this Bill today, I myself would have voted against this Bill; because today, if I go to the polls, I have no doubt that, personally speaking, myself and, may be with an exception or two here and there, almost all Members of the House on this side would come back; and I have no doubt that all the Members of the other side, barring a few exceptions, of the House who are opposing this resolution would have been thrown out by the people. But there are moments, when in the interest of a national cause we should subject our self-interest to it—and we should not forget that that is exactly what we did four years back when this Party, in spite of the fact that it had another year's lease, did not for a moment hesitate or our leader did not for a moment hesitate to dissolve this Parliament and seek the mandate of the people. The leader of the country, our Prime Minister, has at least shown one thing to this world. She has shown that she is capable of taking risks and, in moments when the interests of the Party and the interest of

[Shri Dinesh Chandra Goswami]

the country are at conflict, she has always chosen to accept such a decision as would be in the interest of this country.

We have seen this in the case of Kashmir, for example. We have seen that when our Party was in power and when our Party was asked to go out of power because it was our opinion that the solution of the problem was to hand over power to Sheikh Abdullah and without hesitation we did it. Therefore, to say that we have brought this Bill only for the sake of personal interest and also for political aims is not only a completely misleading proposition but, I think, it is almost ignoring the facts of life as they exist today.

It is not that trains are running on time or that the offices are working properly that is the gain of emergency The gain of emergency is that a sense of discipline has come into this country today and nobody can ignore it; the gain of emergency is that the productive and distributive forces of this country are working at much better capacity.

(*Interruptions*)

Nobody can deny that a sense of discipline is coming into this country and nobody can deny that the effort of the Opposition to frustrate or to lead to the collapse of the distributive machinery and the productive machinery was itself frustrated I know your anger because if the benefits that we are reaping today of emergency continue for long, obviously the people of India will realise that what you were doing in this country so long is something nobody can support, and the continuance of emergency will only confirm that fact. You know in your heart of hearts that the people today have fully realised that the type of politics you are running here—which most of the extreme Rightist and Leftist Parties are running—is not for the good of the country and that is why today, in spite of the fact that certain essential and basic rights of individuals of this country have been curtailed—nobody denies it and I do not deny that the proclamation of emergency has taken away certain rights of the individuals—yet, the common man has not protested. Why have they not protested? Please try to search your own hearts and you will find the answer They have not protested because, at no point of time have you been interested in giving the individuals or the common man of this country an opportunity by creating a situation in which they can exercise these rights.

You are talking about the fundamental right of speech How many people of this country can exercise that right? You are talking about the right to go to courts; how many people of this country can go to courts to exercise this right. You are all along pursuing such a policy of negativism that you don't allow this country to create an atmosphere where the common man can feel that these rights exist for him. Even when these rights are curtailed, the common man has found that an atmosphere has come in which he can express himself much better than in the atmosphere which was prevailing before Emergency. Today if we go for elections, there is no doubt that we will come back to power. But what will happen is that there is the risk of losing the gains of Emergency. We want to consolidate the gains of Emergency. What is more important than elections at the present moment is that the economic programmes, which the Prime Minister has given to this country, must be implemented and translated into action I know that Government, by postponing the elections for one year, has taken a risk, in the sense that, if we go to the people without translating the economic programmes into action, the people will undoubtedly say that all this was done in order to protect our interests. Government has taken this risk; the Prime Minister has taken this risk, because she has felt that, instead of going for elections and trying to come back to power, what

is important is to give a new orientation to our way of life and to bring a new economic order, to this country. Emergency has created such conditions in this country, and that is why we have asked for postponement of the elections. I have no doubt that, the choice of the people to the question whether they would like to have elections and along with that take the risk of losing the entire gains of Emergency or to postpone the elections by a year and create an atmosphere whereby we could have a new economic order, is for the latter, and there are visible expressions of it That is why, even though I know; full well that, if I go for elections now, I would be returned, I support this measure because this measure is for the benefit of this country. That is why, I support this Bill and I have no doubt that the whole House will support this.

MR. CHAIRMAN: Mr. H. N. Mukerjee.

SHRI INDRAJIT GUPTA (Alipore): When such an important Bill which relates to the extension of the life of this House is being discussed, should not the Leader of the House be present?

SHRI K. RAGHU RAMAIAH: The Leader of the House will be present whenever her presence is required

SHRI INDRAJIT GUPTA: This is not an ordinary Bill.

SHRI K. RAGHU RAMAIAH: She will be present whenever her presence is required She cannot sit here all the 24 hours. Also both the Houses are sitting.

SHRI INDRAJIT GUPTA: But that House is not discussing this Bill. Be serious. Show some dignity and respect to this House.

SHRI H. N. MUKERJEE (Calcutta—North-East): I am very glad, Mr. Chairman, that Shri Indrajit Gupta has raised this point about the habit of Government—which has been growing for quite some time now—of ignoring the House of the People and of not offering to it the respect that it commands because the Ministers are responsible to this House. And with all respect to the other House, I would say that the Members of this House are hurt; I have no doubt, irrespective of party affiliations, Members of the House of the people are hurt when, on pointing out that neither the Leader of the House nor the eminent Cabinet Ministers responsible to this House are sufficiently respectful, we are told that they have business to do in the other House and business elsewhere also, perhaps, in this very building where Ministers are meeting hordes of supplicants and collecting testimonials about their popularity. It is more than usually depressing On a day when, a little while earlier, so many of us who wish to be with Government in this hour of trial for the country, we had to go out of the House in order to register our utter dissatisfaction with the way in which Government is proceeding, I certainly expected the Law Minister to make a speech before the House which would have been conveyed to the country. There is no ban, I suppose, on reporting this Or, is it there? Our speeches would never get known as far as the people are concerned, but the Ministers' pronouncements would be conveyed over the radio and television and every other electronic device. He did not choose to take the House and the country into confidence. He should know that this House represents the country, and if he wishes to say something to the country, he should say it in the House. He did not choose to make anything but a dull re-reading of the Statement of Objects and Reasons which we have had for the last couple of days or so, quoting the Article in the Constitution which was relevant and telling us, well, we are extending the life of the House of the People. Does not Government have the commonsense to understand that the people of the country would like to know more precisely and substantially the reasons why the tenure of those whom they had elected to be Members

[Shri H. N. Mukerjee]

of the Lok Sabha is to be extended. Sir, you, I or anybody on that side might be personally a little pleased that we are now exempted from the trouble and anxiety of fighting an election, but it is neither here nor there. Whatever the personal predilections of X, Y or Z, this country has to take a principled judgement on this kind of issue, and even if we are not unwilling to understand some of the arguments at the back of your mind, Government does not have the guts to come forward and tell the people all about it Why is it that Government does not say that these are the exact reasons why they wish the life of Lok Sabha to be prolonged. On the face of it, extension of the tenure of Parliament is an extraordinary proposition. You are invoking an extraordinary power invested in you by the Constitution. Normally, nobody would like the idea that the life of the House of the People, which is an elective House—this is the reason why they are proud of it—should be extended. If it is extended, some very special reasons have to be given, there is no doubt about it. Long time ago, Charles the First, who had many reasons to be dissatisfied with his Parliament said: The Parliaments are of the nature of cats; they grow accursed with age; Parliament which lasts too long is a catty customer. Normally, the Parliament should not run longer than the tenure for which it was elected. There might be reasons, extraordinary reasons, which might be here for the moment, which would justify the proposition, but why on earth does Government imagine that they are under no obligation to take the people into confidence and tell them authoritatively the reasons why they wish a certain course of action to be taken.

I do not agree with the point of view basically on which my friend, Shri Chatterjee based his arguments, because I believe that the crisis which led to the Emergency being declared last year, is not yet over. Whether we like it or not, there was a crisis and I am sure, my friend Shri Chatterjee has realised by this time that being dragooned into a bad company, they burnt their fingers and now they are trying to nurse the injury to their fingers and do not quite know what to do with their political activities. It is a fact that last year, a situation had developed about which some of us might not have had a comprehension for very understandable reasons, but a crisis did develop last year, which required promulgation of an Emergency. But when an Emergency is proclaimed, certain steps are also called for and we are ready and willing to conceive that the Emergency which had to be declared last year is yet not over, and, therefore, we have already agreed to the extension of the period of Emergency, but we want to be satisfied by Government on this score that Emergency notwithstand the elections should not be held at this particular time; if the elections were held, we were ready to take part with whatever results, we would have left it to our people, but for some reasons, elections cannot be held; I can understand it, but Government does not say that; Government in repeated pronouncement made it clear that the fact of the Emergency being there is no bar to the holding of elections. That is a perfectly warrantable proceeding. In that case, how is it that this Bill comes before us? It can only come and we can justify it only on the hypothesis that Government says that we have to have something like an year which is the period of time for which the life of Lok Sabha is to be extended, to go ahead really and truly with those plans for national reconstruction which have to be accomplished if our people's objectives are to be realised. If the Government could tell us that the 20-point programme or whatever you have, has got to be implemented seriously and earnestly and for that purpose 'we are going in for this kind of programme', I can understand it. But the government says nothing of that sort because, it cannot say anything of that sort.

Postponement of the elections, therefore, as I said, can be justified by the need to concentrate national energies

on solving the problems which constituted the crisis which has led to the emergency. This is the basic point of view which has not been expounded by the Minister and I do not know—perhaps only one or two Cabinet Ministers are here even to listen to what is being said in the Lok Sabha on a matter of this description.

Now, the implementation of the Government's own programme, the 20-point programme and the task of fighting the reactionary forces seriously has to go on and the government has to come forward to tell us how they are curbing the bureaucracy which is playing such an ugly role today. The bureaucracy stands in the way of actual implementation, essentially, of the 20-point programme of the Prime Minister which is being bellowed to the skies and when the results are infinitesimal. And, today, the bonus given to the capitalists and the bonus taken away from the workers was symptomatic of what the Government has always been trying to do. As I speak here, I got the information that in the Chindwara coal mines, 1,000 workers were arrested on account of a dispute over the management's unilateral changing of the shift system. Is this the way of winning over the working class? My friend Shri Chandrajit Yadav is here or perhaps like Shri Raghunatha Reddy he would fling back at us charges of populism and economism? They are becoming experts now

SHRI INDRAJIT GUPTA: It is not under him. It is under Mr. Pant.

SHRI H N MUKERJEE: After all, they share the same baby. They have to be answerable to the people Anyhow, in the coal-mines, one thousand workers were arrested on account of a dispute over the shift system and the management is having its own way. Thousands of peaceful hunger-strikers on the bonus issue have been arrested in various States and in Bhilai we find that the District Collector has started proceedings under DIR against the Press which had printed a simple announcement where the hunger strike on the issue of bonus has been advertised.

There are so many other instances to which I will not make any reference because, after all it is quite unnecessary, which shows how we find that in the implementation of what is the programme, nothing actually is being done. What exactly is therefore the Government's answer to the people? How exactly are the Government going to justify the House of the People and itself before the people? How are we, as representatives of the people, going to explain the position to our own constituents when they twist us for having added another year to our innings in Parliament? What do we tell them? We must be in a position to say that the Government is seriously trying to pursue this programme of activity, but, we hear, on the contrary, only a reference to the 'illustrious leadership of the Prime Minister' 'We do not mind the 'illustrious leadership' I personally do not grudge nor my Party certainly do grudge the Prime Minister the historic role which she has happened to achieve in our country But, I am sometimes a little sick about this repeated adulation in a manner which goes against the grain of democratic decency And I recall what happened in the 5th Century B.C. in Athens which was run by direct democracy where there was a very important person called Aristides who had got the reputation of being the 'Justice Man in Greece' and he was described by everybody at every time as 'Aristides the Just' and this ultimately annoyed the citizens of Athens to such an extent that by exercising their right of what they called, ostracism, sent that very good man into exile because they got fed up with this repeated description of the man as 'Aristides the Just'. I do not grudge, my Party certainly do not grudge the Prime Minister the position she has won. We act on principles and we render the assistance that we do only because we consider that at this point of time, she has come forward to fight the menace of neo-fascism. We do not mind at all the

[Shri H. N. Mukerjee]

tributes that are paid to her, but a little too much of this adulation, a little too much of apologetic explanations to her allergy to Parliament which has infected her Cabinet colleagues, it makes us feel apprehensive that perhaps, things are not being done as they ought to be If on the Bonus issue Government could take the stand as they did, I find and my party have discovered from the debate that it is difficult to reconcile the position But position has to be reconciled in the interest of the people because the danger is still there, the dangers which call for the emergency have still to be fought efficiently and for that reason if you want extension of the life of the House of the People after all it is a flea-bite It is a drop in the ocean, to speak, so far as time is concerned Our people have inherited the idea of acquiescence in maintaining the *status quo* The heavens would not fall But we have to justify ourselves to the people, tell them specifically and earnestly that we are going to do these things objectively If you do not, then we shall become the but of ridicule and that would be bad that would detract from the efficiency of struggle against neo-fascism, the struggle for the achievement of people's objective Therefore, I would say that it is a great pity that Government does not come forward before the people with explanation of its intentions which would make sense and which would indicate at the same time also that always steps were going to be taken in order to put our people on a different level of living in the dangers which confront our country till to-day, those dangers have got to be fought out efficiently

सभापति महोदय : मैं यह अर्ज कर दूं कि साढे पांच बजे मिनिस्टर साहब को जवाब देना है। बोलनेवालो की तादाद बहुत ज्यादा है और जैसा मुझ को एडवाइज किया गया है

श्री० के० देव (कालाहांडी) : मिस ने एडवाइज किया है.. (व्यवधान)...

सभापति महोदय : जो इस हाउस के प्रोग्राम को देखते है और जिस के मुताबिक इस हाउस के स्पीकर, डिप्टी स्पीकर और चेयरमैनो को एडजस्ट करना होता है, उस नजरिये से यह जरूरी है कि उस का निबाह रखा जाय और मैंने जो हिसाब लगाया है उस के मुताबिक मैं समझता हू कि कांग्रेस पार्टी को, जिस के बोलनेवालो की लिस्ट सब से बडी है, पाच-पाच मिनट से ज्यादा नही देना चाहिये। अपोजीशन की लिस्ट भी काफी बडी है, मैं समझता हू उन को भी 10 मिनट से ज्यादा नही दिये जा सकते।

इस वक्त पैन्यूली साहब का नम्बर है, लेकिन साठे साहब का मेरे बाद नेक्स्ट पर आना है, इस लिये मैं आप से जानना चाहूगा कि सब से पहले साठे साहब को बुलाऊ। श्री साठे।

श्री वसन्त साठे (अकोला): सभापति महोदय, आप ने मुझे इजाजत दी, इस के लिये आप का शुक्र गुजार हू। अभी इस बिल की बहस मे हमारे बुजुर्ग और माने हुए नेता श्री मुखर्जी साहब बोल रहे थे। उन की तकरीर सुनते हुए मुझे लगा लगा कि वे दिल से तो इस बिल का समर्थन करना चाहते थे, लेकिन यह भी साथ-साथ बताना चाहते थे कि हम ने इस का विरोध भी दर्ज करा कर रखा है। उन की दलील क्या थी ? हालांकि बोलने मे, जुबान और भाषा मे, खास तौर से अंग्रेजी भाषा पर जो उन का प्रभुत्व है, उस मे कोई उन का हाथ नही पकड सकता। लेकिन दलील जो उन्होने दी वह दलील क्या थी इस को जरा देखा जाय। वह यह कह रहे थे कि यह जो हालात इमरजेन्सी के वक्त इस देश मे पैदा हुए थे वह हालात आज भी कायम है देश मे। उन की शिकायत इतनी ही थी कि आप ने जिस ढग से, पुरजोर

तारीख से खुलासावार कारण बतलाने चाहिये थे, जैसे कि वह बतला रहे थे, वैसे उन्होंने नहीं बतलाये। यही उन की शिकायत थी। तो कारण हमारे अजीज दोस्त मेरे बाद जो बोलेंगे वह भी और उधर बनर्जी साहब जैसे वक्ता भी हैं, तो यह सब लोग कारण जोड़ेंगे। पर सही कारण क्या है? जो हम सब लोग जानते हैं, वह यह की जो हालात उस वक्त थे, आज आप लोगों के पास यदि जाना चाहते है चुनाव मे तो जाहिर है चुनाव का जो माहौल होता है उस चुनाव के माहौल मे जहा तक हमारा ताल्लुक है यह सब से अच्छा मौका हमारे लिये था लोगों के पास जाने का, हम तो 20 पाइंट प्रोग्राम के ऊपर ही जीत कर आ जाते, कोई दिक्कत नही थी। लेकिन सवाल यह था जैसा कि हमारे एक नौजवान लीडर ने कहा कुछ दिन पहले कि

Now we cannot go to the people with promises; we will have to go to the peeople with performance

तो यह जो परफोरमेंस करने की आवश्यकता है उस परफोरमेंस के लिये वातावरण कौन सा चाहिये? चुनाव मे यदि आप चले जायें तो फिर आप जानते हैं कि वह भाषणबाजिया मीटिंगे, प्रोपेगन्डा, प्रोग्राम, सारा माहौल देश का फिर काम का नही खाली बातो का हो जायेगा, और इसलिये यदि परफोरमेंस के लिये हमे काम करना है इस देश मे तो जाहिर है कि देश मे वातावरण भी एक अनुशासन का सारे देश मे होना आवश्यक है और सारे लोग एक दिल से, एक इरादे से परफोरमेंस के लिये लग जायें। और हम यह नही चाहते कि फिर से वही बाते शुरू हो जायें इंडिसिप्लिन की नौजवानो मे, कारखानो मे, वह रेलवे की स्ट्राइक, ट्रांसपोर्ट की स्ट्राइक और भी तमाम इस तरह की चीजें यदि फिर से शुरू हो जाती हैं इस देश मे जरा ढील दी जायगी तो सारा परफोरमेंस आप का, जो लोगो के फ़ायदे के लिये था वह पूरा नही हो पायगा। मैंने एक भी जबान से नहीं सुना है कि 20 पोइंट प्रोग्राम किसी तरह से भी गलत है। यदि गलत नही है और उस को अमल में लाना है तो देश के हर जिम्मेदार आदमी को काम के लिये जुटना पड़ेगा। और इसीलिये वह वातावरण चाहिये। खाली इस बिल का जो मकसद है वह यह है कि एक साल का पीरियड आप को दिया जा रहा है कि सही वातावरण मे परफोरमेंस के लिये, लोगो की भलाई के लिये आप काम करें। उस के बाद यदि आप नही काम कर पाये तो आप को तो खुश होना चाहिये। कि अगर हम एक साल के भीतर यदि काम नही कर पाये तो जनता हमारे खिलाफ़ जायेगी और आप विरोध के लोग ज्यादा तादाद मे चुन कर आयेंगे। इसलिये यह बिल बहुत ही मुनासिब वक्त पर लाया गया है और बहुत निहायत जरूरी है। इसलिये मैं दरख्वास्त करूंगा अपोजीशन के दोस्तो से कि वह खोल भी दिल से जो अन्दर की बात है, जो खुश है कि एक साल मिल गया, उन मे से कुछ लोग तो ऐसे है जो जानते है कि यदि चुनाव हो जाता तो कोई उम्मीद नही थी यहा आने की, इसलिये अन्दर से बहुत खुश है। पर ऊपर यह बताना चाहते है कि हम ने तो विरोध किया। जरा दिल पर हाथ रख कर अपनी ईमानदारी से बात करे और इस बिल का पूरा समर्थन करे, यूनानिमसली सपोर्ट करे जिस से हम जनता की और देश की भलाई के लिये काम कर सके।

प्रो० शेर सिंह (झज्जर) सभापति महोदय, यह विधेयक जो हमारे सामने प्रस्तुत है, इस पर बोलने से पहले मैं एक बात याद दिलाना चाहूंगा जो चह्वाण साहब ने इसी ऐवान मे कही थी। उन्होंने कहा था कि यह मनमानी देश मे चल रही है और उस मनमानी को रोकने के लिए कुछ कदम सरकार को उठाने पड़े।

(प्रो० वीर सिंह (झज्जर)

आज इस बिल को जब कोई निष्पक्ष हो कर देखेगा, तो समझेगा कि जनमानी को भुलाकर यह मनमानी की जा रही है। पिछले दिनों यह बात बहुत कही गई थी कि जो लोग पाच साल के लिए चुन कर आए हैं, उन लोगो को बीच मे हटा देना एक नाजायत बात है एक गलत बात है और ऐसा नही करना चाहिए। मैं मानता हू कि यह बात ठीक है कि पाच साल के लिए जनता ने अपने प्रतिनिधि बना कर भेजे है और अगर उन पांच सालो के बीच मे वे कोई गडबड करते है, अपने फर्ज का उन को अहसास नही है, गलत तरीके से वे काम करते है और भ्रष्टाचार उन के जीवन में है और जनता के हितो की बात नही होती है, तो भी जनता को पांच साल उन को बर्दाश्त करना चाहिए। पाच साल के बाद जनता को हक है कि वह उन को बदल सकती है, लेकिन मैं यह जानना चाहूगा कि ये पाच साल जब बीत जाए, तो जनता क्या करे ? मैं मत्री जी से यह प्रश्न पूछता हू और इस का उत्तर चाहता हू क्योंकि यह कहा जाता है कि पाच साल तक किसी को अपना जबान नही खोलनी चाहिए और पूरा मौका देना चाहिए कि पाच साल तक वे अपना काम करे और फर्ज का अहसास कर के पूरी तरह से अपना काम करे।

अब जो यह परफोर्मेन्स की बात कहते है, तो मै कहना चाहता हू कि पाच साल तो आप को परफोर्मेन्स दिखाने के लिए मिले थे लेकिन अब पांच साल के बाद आप को परफोर्मेन्स की बात याद आई। पाच साल तक तो आप ने कुछ नही किया और अब एक साल और चाहते हो परफोमन्स दिखाने के लिए और उसके बाद भी अगर परफोर्मेन्स नही दिखाई, तो फिर आप निकाल देंगे कि एक साल के लिए और इस को अवधि बढ़ा दो।

विधि, न्याय और कम्पनी कार्य मंत्री (श्री एच० आर० गोखले) आप भी हमारे साथ थे।

प्रो० वीर सिंह : मैं भी आप के साथ था, लेकिन आप बातों की ही बातों से साफ जाहिर होता है कि पाच साल तक आप ने कोई परफोर्मेन्स नही दिखाई और अपने वायदों को पूरा नही किया लेकिन अब आप कहते हैं कि इस एक साल में परफोमन्स कर के दिखलाएगे। अब तो यह बात भी चल रही है कि एक साल के बाद भी बढ़ाने का अधिकारर हमें हैं और एक साल के लिए और भी बढा सकते हैं। सेन्ट्रल हाल मे यह बात होती है और हमारे मित्र कहते है कि अब भूल जाइए चुनावों को। यह एक साल के लिए है और अगले साल फिर बढ़ाने का हमारे पास अधिकार है। इसलिए अगले साल फिर आप एक साल के लिए बढा देंगे क्योंकि जनता के पास इस के लिए जाने की आप को जरूरत नही है। आप यही बैठ कर इस को बढा देंगे। जनता के पास जाने में थोड़ी हिम्मत चाहिए क्योंकि जनता उल्टी बात भी कर सकती है। इसलिए मैं गोखले साहब से यह निवेदन करना चाहूगा कि वे अपने उत्तर मे इस बात का भी जवाब दे। पांच साल के लिए जनता से आप पावर ले लेते हैं और कहते है कि किसी को इस बीच कुछ नही कहना चाहिए और इस बीच जनता को कोई अधिकार नही है कि वह आप से कुछ कह सके लेकिन पाच साल के बाद जनता का केवल इतना अधिकार है कि वह वोट दे दे और जिस को चाहे चुन कर भेज दे। बीच मे जनता का कोई दबाव नही है और अगर कोई दबाव है तो वहा पांच साल के बाद ही है कि वह जिसे चाहे उसे चुने। यही उस के हाथ मे एक हथियार है कि पाच साल के बाद आप उस के सामने जाए और अगर आप पाच साल के बाद चुनाव नही कराते हैं, तो यह जनता के अधिकार पर एक छापा है। क्योंकि जनता को एक ही अधिकार है कि 5 साल के बाद वह आपका जवाबतलब कर ले और आपसे पूछ ले कि आपने ठीक

कर ले और आपसे पूछ ले कि आपने ठीक नहीं किया है और यहां से हटा दें। इसलिये वह जनता का अधिकार आप छीनने लगे हैं।

यह कहा गया है कि इस समय एमरजैंसी है, इस समय चुनाव कराने से काम करने में रुकावट पड़ेगी, देश बिखर जायेगा, उसके टुकड़े हो जायेंगे, देश की यूनिटी और मजबूती खतरे से है। मैं नहीं समझ पाया कि देश की मजबूती और यूनिटी कहां खतरे से पड़ जाती है चुनाव कराने से। अगर आज खतरे में है तो अगले साल फिर वह यूनिटी खतरे में पड़ सकती है। यह बात मैं नहीं मानता हूं। जब देश को यूनिटी की जरूरत पड़ी है, तो यह इस देश की शान है कि उस समय उस यूनिटी को कायम रखा गया। 1965 में देश पर हमला हुआ, उस समय सारा देश एक था। फिर 1971 में हमला हुआ और सक्मुच का संकट आया, तो भी सारा देश एक था और मैं समझता हूं कि आज भी लोगों में राष्ट्रीयता और राष्ट्र-प्रेम की कमी नहीं है। हम अगर एक दूसरे पर आरोप लगाये, तो लगा सकते हैं। मैं कहूं कि आप में भी देशभक्ति नहीं है, तो आप मुझे कह सकते हैं कि मुझ में देशभक्ति नहीं है। लेकिन मैं कहता हूं कि हम सब में और इस देश के लोगों में देशभक्ति है। जब देश पर संकट आता है, तो देश के लोग बिखरते नहीं हैं, एक हो जाते हैं और एक होकर एकजुट खड़े हो जाते हैं। उन्होंने ऐसा कर के दिखाया भी है। इसलिये इस देश की यूनिटी को चुनाव से खतरा हो जायेगा, और वह तहस-नहस हो जायेगा, यह खतरा बिल्कुल झूठा है, फर्जी है। ऐसा कोई खतरा नहीं है।

अभी-अभी गुजरात के चुनाव का जिक्र किया गया है। गुजरात में प्रदेश भर में, गांव-गांव में पंचायतों के और म्युनिसपैलिटी के चुनाव हुए। वहां कौन-सा तबका बच गया? आपकी एमरजैंसी भी लागू थी, बीस-सूत्री कार्यक्रम भी चल रहा था। तो जब सब कुछ होते हुए गुजरात में चुनाव हो सकता है तो सारे देश में क्यों नहीं हो सकता है? इसका जवाब अगर श्री गोखले साहब के पास है, तो उनको देना चाहिये।

गुजरात में चुनाव हुए अभी दो महीने भी नहीं हुए हैं। जब गुजरात में चुनाव हो गये और देश की यूनिटी को कोई खतरा नहीं हुआ तो अब यह खतरा कहां से आ गया?

अनुशासन पर्व की बात बहुत कही जा रही है। यह कहा जा रहा है कि हमें संयम और अनुशासन में काम करना चाहिये। फिजूलखर्ची, डाउरी आदि सामाजिक कुरीतियों को बन्द करना चाहिये। मैं जानना चाहता हूं कि अगर अच्छे ढंग से चुनाव करवाये जायें, जिसमें शराब न देनी पड़े, कारों का काफिला न चले और बेतहाशा खर्चा न हो, सादे ढंग से चुनाव हो, जिसकी बात मैंने हमेशा कही है, तो उससे क्या फर्क पड़ने वाला है?

एक माननीय सदस्य क्या चुनाव में शराब भी देनी पड़ती है?

प्रो० शेर सिंह बहुत लोग देते हैं, आप भी जानते हैं। शराब के बैरल खोले जाते हैं। मैंने कभी शराब नहीं दी हमेशा सादे चुनाव लड़े हैं। अगर कोई करोड़ों रुपया खर्च करे तो भी मैं सादा चुनाव लड़ूंगा।

अगर हम अनुशासन की बात करते हैं, तो अनुशासन और संयम में रहते हुए, इलैक्शन का जो हमारा कानून है, उस पर ईमानदारी से अमल करते हुए अगर हम चुनाव करवायें तो यह एमरजैंसी की एक देन हो सकती है। हम लोग क्या अनुशासन में नहीं रह सकते हैं, क्या हमको नहीं रहना चाहिये? क्या दूसरों के लिये यह उपदेश है? हम मेम्बर्स को भी, जो चुनाव लड़ते

[प्रो० शेर सिंह]

हैं, अनुशासन मे रहना चाहिये । इसलिये मैं समझता हूं कि यह बहानेबाजी है कि हम चुनाव नही करवा सकते है, इससे देश को खतरा है, एकना को खतरा है, 20-सूत्री कार्यक्रम रुक जायेगा । अभी मेरे मित्र कह रहे थे कि हम तो चुनकर आ जायेगे । जब आप फिर चुनकर आ ही जायेगे तो फिर 2 महीने के बाद इस कार्यक्रम को चला सकते हैं, दो महीने बाद उसको चलाने से कुछ बिगड नही जायेगा ।

जहा तक देश मे अनुशासन लाने और गडबड़ी करने वालो को रोकने का प्रश्न है, देश की सब पार्टियो को यह कहना चाहिये कि देश मे अनुशासन चले, सब लोग अपना काम ठीक करे, रेलें समय पर चले, दफ्तरो मे ठीक ढ़ग से काम हो । अनुशासित ढग से चुनाव कराने मे मुझे कोई दिक्कत नजर नही आती है ।

श्री शशि भूषण : (दक्षिण दिल्ली) आप रिजाइन कर दीजिये, आपका चुनाव करा दिया जायेगा ।

प्रो० शेर सिंह : आप प्रधान मत्री से एलान करवा दीजिए कि वह एक महीने मे चुनाव करवा देगी, तो मैं रिजाइन कर दूगा ।

श्री शशि भूषण : वह रिजाइन कर दे, मैं उनके साथ चुनाव लडने के लिये तैयार हूं ।

प्रो० शेर सिंह : मुझ से चुनाव लडने के लिये पता नही कहा-कहा से लोगो को ढूढ रहे हैं और पकडकर ला रहे है । मुझे चेलेन्ज न दीजिये, आपको एक वोट भी नही मिलेगा । आपको वहा कोई जानता नही है ।

श्री शशि भूषण : जब ये जाट कालेज में नौकरी कर रहे थे, तब मैं जेल काट रहा था, रोहतक मे था । मुझे वहा बहुत लोग जानते हैं, आप खुद भी जानते हैं ।

प्रो० शेर सिंह : आप दिल्ली से चुनाव लड लेना, जो आपका हलका है ।

उद्योग और नागरिक पूर्ति मंत्रालय मे राज्य मंत्री (श्री वी० पी० मौर्य) : माननीय सदस्य अपने आप को प्रोफेसर मानते है और बडे सिद्धान्त की बात करते हैं । जिस पार्टी से वे चुनाव लडकर आये थे, जब उससे उनका सम्बन्ध टूट गया है तो उनको लोक-सभा से इस्तीफा दे देना चाहिये । यू मस्ट रिजाइन, यू हैव नो राइट टु स्पीक आन दी फ्लोर आफ दी हाउस ।

प्रो० शेर सिंह मैं इस का जवाब देना चाहता हू । (व्यवधान) मैंने कांग्रेस का कोई सिद्धान्त नही तोडा है । (व्यवधान) मैंने कांग्रेस में अपने साथियो मे केवल एक ही बात कही थी, और उसी की वजह से मैं कांग्रेस से निकला हू । मैं ने उन को पत्र लिखा कि हम जनता का वोट ले कर आये हैं और हम ने लोगो मे कुछ सिद्धान्तो की बात कही थी । मैंने कहा कि जो बात हम आज करना चाहते है, वह हम चार साल पहले भी कर सकते थे, और अब उस के नाम पर इमर्जेन्सी को लागू करना और लोगो की आजादी का गला घोटना सही नही है । मैंने कहा कि वे जो काम कर रहे है, वह गलत है । मैं यह पूछना चाहता हू कि इस से कांग्रेस का कौन सा सिद्धान्त टूटता है और मैंने कांग्रेस की कौन सी नीति का विरोध किया है । मैंने कांग्रेस की किसी नीति का विरोध नही किया है । लेकिन कांग्रेस ने अपने जम्हूरियत के रास्ते को छोड दिया और मनमानी के रास्ते को पकड लिया । कांग्रेस मे अधाधुध हाथ उठाने की प्रथा चल पडी है । यह कांग्रेस को खत्म करने वाली है, इस से कांग्रेस का नुकसान होने वाला है ? (व्यवधान) ।

अगर मैं सिद्धान्तों के भेद के कारण कांग्रेस को छोड़ कर जाता, तो मैं अवश्य चुनाव लड़ता। लेकिन मैंने कांग्रेस के सिद्धान्तों मे अलग होने की कोई बात नहीं की। मैंने तो कांग्रेस को जम्हूरियत की याद दिलाई (व्यवधान)

श्री वसंत साठे (अकोला) : क्या टोटल रेवोल्यूशन के नाम पर देश को आग में झोंकने की बात कांग्रेस के सिद्धान्तों में बैठती है ?

प्रो० शेर सिंह . बिल्कुल बैठती है। 20 सूत्री कार्यक्रम में और क्या बात है ? उस में वही कार्यक्रम हैं। (व्यवधान) लेकिन यह बात नहीं है कि मैं उन सब बातों का समर्थक था, जो दूसरे लोग कह रहे थे। (व्यवधान) अनुशासन की बात कही जाती है, और यह है आत्मानुशासन का प्रदर्शन, जो माननीय सदस्य कर रहे हैं।

मैं इतना ही कहना चाहता हूं कि मैं ने जो तीन प्रश्न किये हैं, श्री गोखले उन का उत्तर दें। अगर सरकार लोक सभा के कार्य-काल को पांच साल के बाद बढा दे, तो फिर जनता क्या करे, क्योंकि उस का अधिकार छीन लिया गया है। जब सरकार गुजरात में चुनाव करा सकती है, तो फिर वह लोक सभा के लिए चुनाव क्यों नहीं करवा सकती है ? सरकार अनुशासन और संयम से और थोडे खर्च से सस्ते चुनाव क्यों नही करवा सकती है ? मंत्री महोदय इन बातों का जरूर जवाब दें।

श्री परिपूर्णानन्द पैन्यूली (टिहरी-गढवाल) : सभापति महोदय, मैं इस बिल का समर्थन करता हूं। मैं प्रो० हीरेन मुकर्जी की इस बात से पूर्णतः सहमत हूं कि हमारे देश में फ़ाशिस्ट ताकतें छद्म वेश में आज भी विद्यमान हैं। वे वार लाइंग लो। इस कारण इमर्जेन्सी को कायम रखना जरूरी है। और जब तक इमर्जेन्सी है, तब तक चुनाव होना सम्भव नहीं है।

मुझे प्रो० शेर सिंह की दलील पर आश्चर्य होता है। वह श्री गोखले से पूछते है कि लोक सभा का कार्य-काल पांच साल से आगे बढाने का क्या कारण है। क्या उन को मालूम नही है कि इगलेंट मे 1914—1918 तथा 1939—1945 के विश्व-युद्धों के दौरान कोई चुनाव नही हुआ और उस समय विद्यमान पार्लियामेंट्स काम करती रहीं ? यही नही, फ्रांस में 1892, 1918, 1923 और 1939 में चार बार, पार्लियामेंट का समय बढाया गया। और 1939 का समय तब बढाया गया जब कि देश की आंतरिक स्थिति ठीक नहीं थी।। मुझे इस पर विस्तार मे जाने की आवश्यक्ता नहीं है कि हमारे यहां किन परिस्थितियों में एमर्जेंसी कायम की गई। टोटल रेवोल्यूशन वालों ने देश को फासिस्ट तत्वों के हाथ मे बेच दिया था। उन सब बातों का यहां सदन में उल्लेख हो चुका हैं जब एमर्जेंसी पर चर्चा थी कि क्या क्या तत्व सक्रिय थे और किस प्रकार उन्होंने देश को विघटन के कगार पर डाल दिया था। इसलिए जब तक एमर्जेंसी है तब तक मैं समझता हूं चुनाव किसी प्रकार होना संभव नहीं है।

श्री सोम नाथ चटर्जी ने अभी डा० अम्बेडकर को उद्धरित किया है। मैं इस सन्दर्भ में 18 मई 1949 को कांस्टीट्यूएंट असेम्बली में जो श्री के० टी० शाह ने कहा था उसे उद्धृत करना चाहता हूं। उन्होंने कहा था :

". .. a Parliament elected under the stress of a grave emergency, influenced by the effect of that emergency, sufficient to cause a proclamation or even a suspension of the Constitution, would not be reflecting the normal sentiment of the people."

[श्री सोमनाथ चटर्जी]

और उसी अवसर पर डा० अम्बेडकर ने भी कहा था :

"I think it must be realised that war is not the only cause of circumstance which leads to the unhinging so to say, of the minds of the people from their normal moorings There are many other circumstances many incidents, which are not actually wars, but which may cause similar unbalancing of the mind of the people"

आप इतिहास को भूल गए। ऐसी परिस्थिति मे देश को डाल दिया गया हो उस मे आप चुनाव की बात करते है ? प्रधान मत्री जी ने कांग्रेस के चडीगढ अधिवेशन मे घोषणा की थी कि हमारे सम्पद सदस्य बडे खुश हैं इस बात से कि चुनाव हो रहे हैं, किन्तु उन्होने कहा था कि कांग्रेस सत्ता मे आए या न आए हमे देश को बचाना है, और अगर देश को बचाना है तो हमे उस के लिए बडी से बडी कुर्बानी करनी पडेगी। मैं प्रोफेसर साहब से निवेदन करना चाहूगा और श्री सोमनाथ चटर्जी से भी कि आप का सौभाग्य है कि एक साल की अवधि आप की और बढ गई वरना अगले साल आप मालूम नही वहा कहा होते और क्या करते।

इसलिए मैं निवेदन करूगा कि इस समय एमर्जेंसी हटाने की स्थिति नही है और इसीलिए चुनाव भी होना सभव नही है। एमर्जेंसी का जो इम्पैक्ट हुआ है वह सराहनीय है इस मे कोई शक नही है। होर्डिग कम हुई है स्मगलिग पर भी काफी हद तक काबू पाया गया है। लेकिन जिस तरह से ऐंटी सोशिल एलीमेंट्स आज भी छिपे हुए और दबे हुए बैठे है उसी तरह ये फासिस्ट तत्व भी अभी तक छिपे हुए बैठे है। हरिजनो और आदिवासियो के साथ कही कही छुट-पुट अत्याचार की हमें सुनने को मिलती हैं। एमर्जेंसी का मतलब क्या आप समझ गये कि इतने थोड़े से समय में एमर्जेंसी के कारण ये सब शात हो गए हैं या समाप्त हो गए हैं ?

अभी श्री सोमनाथ चैटर्जी ने तामिलनाडु की बात की। बडी बुराई दी है। जिस वजह से तामिलनाडु की सरकार को बरखास्त किया गया भ्रष्टाचार के कारण और जिस के लिए सुप्रीम कोर्ट के एक जज को नियुक्त किया गया है एन्क्वायरी करने के लिए तथा जो चार्जशीट लगाई गई है आप ने तो उस का भी विरोध किया। मैं आप से निवेदन करूगा कि मद्रास और तामिलनाडु मे जो सरकार थी और जो गुजरात की सरकार है इन्होने एमर्जेंसी को ठीक तरह से लागू नही होने दिया है। न केवल उन्होने ऐंटी सोशल एलीमेंट्स को पनाह दी है बल्कि एमर्जेंसी की आड में भ्रष्टाचार को और आगे बढाया है। इसलिए मैं समझता हू कि जब तक इस प्रकार के तत्वों को समाप्त नही किया जाता है तब तक एमर्जेंसी समाप्त नही की जा सकती है और तब तक एलेक्शन भी नही हो सकता है।

इस के अलावा 20 सूत्री कार्यक्रम की बात की गई है। 20 सूत्री कार्यक्रम के द्वारा हम समाज के सब से गिरे हुए, सब से कामजोर तबकों को लाभ पहुचाना चाहते है। इन को लाभ पहुचाने में जो रूकावटें अभी तक थी वह वही लोग थे जिन का आप समर्थन करते है बडे-बडे जागीरदार, जमीदार, पूजीपति जिन का प्रतिनिधित्व जनसघ करता है, ये लोग इन के लिए बाधक बने हुए थे। इसलिए 20 सूत्री कार्यक्रम के लिए उस प्रकार का वातावरण जो आज बना हुआ है वह कुछ समय तक और बना रहना चाहिए और उस 20 सूत्री कार्यक्रम को लागू करने के

लिए कुछ समय चाहिए। इसलिए एमर्जेंसी लागू रखना जरूरी है और जब तक एमर्जेंसी है तब तक चुनाव नहीं हो सकते। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं।

*SHRI E. R. KRISHNAN (Salem): Mr. Chairman, Sir, I rise to express my views on the Bill which has been introduced for extending the life of this Lok Sabha by one year.

In the General Elections held in 1971 the people of this country elected all of us to constitute this House and take over the administration of this country for a period of five years. Now the life of this House is sought to be extended by one year through this Bill. While introducing the Bill, the hon. Minister advanced the argument of prevailing Emergency in the country. After the proclamation of Emergency, in all her meetings and conferences held within the country, and also in her Press and Television interviews to foreign correspondents, the hon Prime Minister has been repeatedly emphasising that national emergency has been proclamed to save democracy which had been endangered by local militant elements I appreciate and welcome the Prime Minister's abiding faith in democracy. To protect democracy the Emergency was proclaimed; to stabilise Emergency the Election is being postponed and the life of this House is being extended. This is the substance of this Bill.

Sir, this Bill seeks to reflect the views of the Prime Minister that to protect democracy the Emergency is proclaimed and to stabilise Emergency, the life of this House is being extended by one year and the General Election is also being postponed by one year. The hon. Professor who preceded me pointed out that it might be further extended by one more year. I will not refer to the views of the people outside this country. If I refer to them, the hon. Prime Minister may get annoyed. But 60 crores of people within the country feel that the elections to the Parliament will not be held hereafter; many think that the life of this Parliament will be extended by at least five years. This is the general feeling of the people within the country. Yet I believe and I realise that the Prime Minister has deep faith in democracy.

To protect democracy the life of this Lok Sabha is being exended by one year. At the same time, I would like to know how far democracy has flourished in Tamil Nadu. All of us in this House and all the politicians in the country knew that the life of the Tamil Nadu Legislative Assembly would end within six weeks, that is by the second week of March Yet on 31st January the Tamil Nadu Legislative Assembly was dissolved and the President's rule was imposed At 5.30 P.M. on January 31, the Tamil Nadu Government was dismissed. At 12 in the night the Santries and the Security Officers before the houses of the Chief Ministers and other Ministers of the State Government were removed. The telephone connections of the Chief Minister and other Ministers were cut. The telephone lines of the M.L.As. were disconnected. The telephone connections of the Members of Lok Sabha from Tamil Nadu, the D.M.K M.L.As. and the District Secretaries of D.M.K were out. My telephone which used to work upto 9 P.M. was also cut. Nearly 10,000 persons are in prison. Three Members of Parliament are imprisoned. I do not know in which prison they are lodged.

Sir, the faith of D.M.K. movement in non-violence can easily be compared to the faith of Mahatma Gandhi in non-violence To the extent that Mahatma Gandhi had faith in non-violence the D.M.K. movement has faith in non-violence to the same extent. For example, in 1962 the Congress Government was there in Tamil Nadu and the D.M.K. had 51 Members in the Legislative Assembly. At that

*The original speech was delivered in Tamil.

[Shri E. R. Krishnan]

time there was the price-rise agitation in Tamil Nadu for about 10 weeks and during that period 10,000 D.M.K. workers went to prison. For about a year they were in prison. Arignar Anna, the founder of this movement who attracted the attention of all the Indian people, participated in this movement and he was imprisoned in the Vellore jail. He came out of the prison in 1963. The people of Tamil Nadu were in an angry mood. Then the Chinese invaded India. In the Vellore Fort Maidan lakhs of people had assembled and Arignar Anne addressed the meeting. He appealed to them not to get angry He said 'I am coming out of the prison. I know you will be wild that 10,000 people were in prison. But India is in danger. China has attacked India. We have to protect the independence of our country; the Indian culture has to be protected. All the people of Tamil Nadu and the D M K. workers should strengthen the hands of Pandit Jawahar Lal Nehru.' He claimed them. Then peace prevailed

16 hrs.

Now, what has happened in four days after the dissolution of the Legislative Assembly? Many thousands of people are in prison. 100 M L.As. and M.L Cs. are in prison. The Rajya Sabha Members belonging to D M K. are in prison The Lok Sabha Members belonging to D M.K. are in prison Yet, in Tamil Nadu there is peace and there is no agitation. The reason for this is that we are followers of Arignar Anna; we are the followers of the policies of Anna. We are not angry. We realise that there should be no destruction of public property because they have been built out of the tax money collected from the people. That is why we are maintaining peace.

On the one side the democracy is destroyed and on the other to save and protect democracy the life of this House is being extended. One hon Member referred to the allegations against Tamil Nadu Government and the appointment of a judge of the Supreme Court to inquire into them. We ourselves asked for an inquiry. We do not refute them. If the allegations are proved, we will accept the findings of this Inquiry Commission. But the question is to what extent the democracy would have been destroyed if the Government had waited for two months. Could you not have waited for two months?

Shri Maran who has been a member of this House for 10 years is in prison. Shri Chittibabu, a member of this House for 10 years is in prison. Shri Saminathan, a Member of this House for 10 years, has been arrested. Sir, you will appreciate that we are showing extreme patience. It is a fact that democracy cannot have two definitions. When a mother gives food to her children, she will give it equally to all the children. That is the mind of a mother. I hope that the Prime Minister would have the same motherly instincts. On the one side the life of this House is being extended and on the other side the life of the Assembly had been reduced. I am not angry because of this. I am not saying this in anger or in pitched-up emotion because a Supreme Court judge has been appointed to inquire into the allegations against the Tamil Nadu Government. But I would like to know what kind of judge you are going to appoint for inquiring into the allegations made here. Sir, it is not in our culture to get boiled up in anger. In 1957 General Elections the D M.K contested for the first time and won 15 seats. In 1962 Elections the D.M.K. won 51 seats and in 1967 the D.M.K. got 139 seats In 1971 the D.M.K. won 183 seats The people of Tamil Nadu gave their massive support to the D M K led by Arignar Anna The D M K. Government was a people's Government The people extended full support to the D.M K. and it was their order the D.M.K. obeyed. Now it has been removed. Is it doing justice to democracy, I would like to know Today I am here and I do not know in what prison I will be tomorrow.

SHRI K. MAYATHEVAR (Dindigul): It is not the Government formed by Anna, but it is the Government formed by Karunanidhi.

SHRI E. R. KRISHNAN: We will talk it over later.

SHRI K. MAYATHEVAR: We are not concerned with Anna; we are concerned with Karunanidhi You come to Karunanidhi. Do not quote Anna.

SHRI E. R. KRISHNAN: It has been repeatedly stated in this House and outside that Shrimati Indira Gandhi alone is capable of protecting democracy. But my speech here will not come in the Press. 4½ crores of Tamil people will not know about this. 60 crores of our people will not know about this. I do not know what is this freedom and what is this democracy. I humbly submit that the D.M.K. Government in Tamil Nadu was implementing 100 per cent the policies of Arignar Anna. Peace prevailed in the State. The Government in the State was showing enormous patience and had firm faith in nonviolence. It is not just that this Government should have been dismissed. This Government was formed by Arignar Anna who could teach democratic tenets to the world, and it was implementing his policies.

Sir, many thousands have been arrested. I would appeal through you to the Government that these cruelties should be stopped and peace must be restored. As in Bihar, Gujarat, Maharashtra or any other State, Tamil Nadu will not succumb to violence. Tamil Nadu has its own culture. Tamil Nadu will perpetuate Arignar Anna's cultural legacy. Sir, I submit that Tamil Nadu should not be harmed and the people of Tamil Nadu should be given protection. Only four days back the Prime Minister stated that the people of the country would vote for the Congress because of its faith in democracy. If the people would vote for you, if you have faith in democracy, you can contest the Elections and win and then run this House. If the hon. Minister has faith in democracy, he would and should withdraw this Bill and I hope he will do it because that is the only way to protect and perpetuate democracy in this country.

SHRI B. R. SHUKLA: Mr. Chairman, this Bill is unprecedented and is brought under extraordinary circumstances. Therefore, in order to see the justification and the relevance of this Bill, we have necessarily to go to the justification of the imposition of the emergency measures in this country. The House has many a time in the past debated the propriety of emergency and its continuance, and the House has also approved by an overwhelming majority the justification for the emergency.

Now the question is why the extension of the Lok Sabha should be made after the expiry of its period. In order to correctly appreciate the point involved, we have to see as to what were the forces that were operating on the eve of the proclamation of emergency.

16.09 hrs.

[SHRI VASANT SATHE *in the Chair*]

Forces of Fascism, forces of reaction, forces of left adventurist parties and unprincipled and frustrated politicians suddenly ganged up in order to overthrow the parliamentary institutions from this country. They were aided, abetted and goaded by alien elements which were interested in destabilising the Government established by law in this country. Therefore, emergency was imposed.

Emergency has brought in its wake certain undoubted beneficial fruits, on which we are all agreed. Emergency was imposed for a limited purpose, in order to maintain the stability of the democratic institutions. Now we have to see whether those very forces which were responsible for the imposition of the emergency have ceased to operate in this country. If they have not ceased to operate in this country, then emergency has to continue.

Those forces are still at work. Their followers have gone into hybernation. They are stealthily and secretly still operating and their bases, their dens, are located in Tamil Nadu, in Gujarat, and from there they are

[Shri B. R. Shukla]

sending clandestine literature instigating revolt and rebellion throughout the country. Therefore, their attempts have to be curbed and many so-called stalwarts having a long record of past service have to be detained under MISA. If they are to be detained under MISA and if their release is not to be made in the near future, the question is if the elections should be held as stipulated in the Constitution.

Will the opposition not bring this criticism that such an election is nothing but a farce when their leaders are behind the bars, when their comrades are detained under MISA? How can it be said that it is fair election?

Therefore, in order to allay their criticism, to do justice to them, to be fair to the opposition, it is but necessary that the normal period of the Lok Sabha should be extended, so that if they reverse their processes, revise their thinking and pursue normal course of activities, they will come out of jail, MISA will no longer be necessary for their detention, and when they are free, no longer in jail, let there be elections. Let them criticise our actions, our measures, and say that we have not functioned properly.

Therefore, whatever may be the reasons of the other Members and the Government, I personally think that in order to ensure free, fair and democratic elections, it is necessary that the term of Lok Sabha should be extended so long as they do not come out of jail.

Therefore, I fully support this measure though under painful circumstances. We are not happy. If they think that we are afraid of the elections, they are under an illusion. We are not afraid of elections. The country is with us, the people are with us.

SHRI ERASMO DE SEQUEIRA (Marmagoa): To me this Bill is nothing less than the naked exercise of unwarranted power camouflaged within a constitutional provision. And the provision, as we all know, is only an enabling provision, not more than that.

If Prof. Hiren Mukerjee of the CPI could not find in the statement of the Government before the House any reason to justify the extension of the term of the Lok Sabha, I do not think we need go any further than that. No reason exists at all. This Bill is a demonstration of how interested this Government has become contrary to its profession in the House of merely following the form of democracy but eroding inch by inch its substance.

We all know that an emergency was declared. In our view, it was not justified when it was declared, and its continuation is completely unwarranted. One does not have to go very far back to find out that the only effective arrest was the arrest of Mr. Chandra Shekhar and to justify that arrest, this whole emergency is a bogey concocted and you have had to start with Jayaprakash Narayan, because his only problem was the revolt in the Congress Party. It is the case of Government that people have supported this emergency. If this is so, may I ask the hon Minister why two lakhs of them are in jail?

AN HON. MEMBER: How do you know it?

(Interruptions)

SHRI ERASMO DE SEQUEIRA: If you wish to have the list, I am prepared to provide it within a week, if you will appoint a Parliamentary Committee to go and find out whether it is true. You appoint a committee and I will provide the list.

(Interruptions)

I know at the moment. I do not know what will happen tomorrow.

This Government cries itself and is trying to say that it is constitutional. I am sorry to have to remind them

that Hitler came to power within the provisions of the Weimer Constitution but that did not make Nazism legitimate.

Beyond the 18th March, 1976, this Government, this House will lose its legitimacy. I may even concede for the sake of this argument that before that date, there was something perhaps to be said for both sides. Beyond that date, it will be difficult.

(Interruptions)

AN HON. MEMBER: What will you do?

SHRI ERASMO DE SEQUEIRA: I will do on that day. We shall find out, because we shall know both apparently if this Bill is passed. Till then you find out.

Mr. Goswami, my good friend from the Congress was putting forward here that he was sure that all the Congress men would win and all of us would loose. I am not claiming that if election is held today, I will win, because, as a democrat, I believe that I can do no more than to represent myself to the people and it is for them to decide; because precisely the Congress today has changed its attitude, because this was the attitude which the Congress had adopted before. It is because of this they have changed this attitude and they now take for themselves the right of even judging the people of this country that this has ceased to be a democracy and is being carried into an autocracy. You may think that I am speaking very little of Nazism; I am not. When MISA Amendment Bill was being discussed in this House many months before the emergency, I had warned about this that such provisions would lead precisely to the kind of arrests that have taken place, and already today, we get reports that Sathyagrahis are beaten up in the jails. I had read in this House last week a letter that I received from a detenu in which he has said that not only people were beaten up but in his cell, there was a person whose name I mentioned in this House on the 26th of December, if I remember the date correctly, was also beaten to death.

Mr. Sathe, from this Floor, has put forward this extraordinary theory, as I understood it, that because we cannot go to the people with promises, we must go with performance and, therefore, the term of the House is to be extended. Judging by past performance, there is going to be no performance in the coming year. Does that mean that the term of the House is to be extended once again next year?

AN HON. MEMBER: May be.

SHRI ERASMO DE SEQUEIRA: This is precisely what I am saying. There are some provisions in our Constitution that must never be operated on the balance of convenience. In a democracy, there must be an article of faith that at the end of the term we must go to the people and that, without their sanction, neither the House nor its membership has any meaning at all. It is for this reason that on behalf of the B.L.D. and our colleague party, the Janta Front in Parliament I oppose this Bill.

There was one thing that was mentioned also by my hon. friend, Mr. Goswami, and that was the danger that Government has taken in extending the term of this House by one year. I hope, the Government is conscious of this danger because, when the door to one's house is shut from inside and there is no other way to get out what the people are supposed to do?

AN HON. MEMBER: Break it.

SHRI ERASMO DE SEQUEIRA: I am glad he has said, break it, because that is precisely the danger that I want to bring to the attention of the Government, that here are recent cases in our neighbourhood where democracy because autocracy and what following we all know. I am sure that there is not even one person in this House who would like that to happen. So, before we play with things that none of us

[Shri Erasmo De Sequeira]

can control, we should know that danger. If only for the sake of ninety years of history that your party has which, it looks to me, this House has forgotten, if we have tried to find somewhere in the Congress a democratic chord, I am sorry to say, we have not been able to find it. We have search for it..

AN HON MEMBER: Join the Congress.

SHRI ERASMO DE SEQUEIRA Because it is that chord that must now come to the surface It is buried under the weight of all of you. I am sure. every predecessor of yours is turning in his grave I pray that before the danger that from 18th March will be open in this country, the danger of the Government minus its legitimacy, before that becomes a reality, even after passing this Bill, this Government will lift Emergency which is unwarranted, free the leaders that the Government is holding in jail without trial and go to the people and, on the basis of equality with Opposition, seek a fresh mandate.

SHRI K. SURYANARAYANA (Eluru): Mr. Chairman, Sir I am quite happy that the Government has some forward with this Bill for extending the term of the present Lok Sabha

I am surprised to hear my young friend from Goa. Let us go back to 1970 when the Lok Sabha was dissolved. The same argument was put forth in 1970 before the dissolution of the Lok Sabha. At that time also, they had challenged like this with the slogan: "Let us go to the people." We went to the people and came back.. (*Interruptions*) About the Andhra movement also, he was questioning our *bona fides*. What happened in Andhra Pradesh? We were the real representatives of the people there. Now, he has agreed to our points unconditionally.

In the same manner, I pray, let us integrate our country now. The danger is still there for the country's unity. We are not afraid of elections. Let us go back to the history of the Congress. When the Congress was founded, my friend was not born and I was also not born. The Congress has not a great history behind it. I remember the great leaders who developed the Constitution framed by our elders. They have provided for this contingency during Emergency, the necessity of passing such a law. This is not a new thing, nor an unusual thing. The Government has come forward with this Bill in the same usual way when the Lok Sabha was dissolved before its term was over. You say that because we have no hope of coming back if we go in for elections we are doing this. Not at all. Several times in the Congress Party and even in the Congress session at Chandigarh, they had consultations for two to three weeks and only after hearing various other groups of people—other Parties and the public also—they decided to come forward with this measure. This is the usual course. Why should there be opposition for this? We may be here for one more year but in the meanwhile also, as our Prime Minister has said, if conditions are good and continue to be good, we may go in for elections. It is not a contract for the year. It is only a provision for continuing for one year but it can be dissolved even within a month if found necessary.

Now, some Members have spoken of two lakhs being in jail. Let us know also their names and their States through the State Governments. Let us know that and we will see. What is the use of repeating that two to three lakhs are in jail? Where is the necessity of appointing a Parliamentary Committee to enquire into it? If they have got the figures, let them give the figures.

Now, this is a simple Bill and there is no necessity of further discussion. Only, let us know what the strength of the Congress Party has been. The

strength of the Party in the Lok Sabha was 364 in the first election in 1952, 371 in the second election in 1957, 358 in the third election in 1962, 282 in the fourth election in 1967 and 350 in the fifth election in 1971.

Even now, we are for democracy. what is the meaning of democracy? Mahatma Gandhi said that democracy means only the majority opinion; if it is a good thing, you can support and if it is not a good thing, you need not support. He said that individual freedom in a democratic society is also limited. Parliament has got control over the Assemblies also and the States also. When they were receiving fundes for drought relief, people in other States grumbled that they were favouring the Madras Government and that the Prime Minister was giving them more. In Andhra we also cried like that. But the fact is, the Government is giving funds whenever necessary.

Now, let me read this out. I quote.

I am quoting this from *The Message of Mahatma Gandhi*:

> "A born democrat is a born disciplinarian. Democracy comes naturally to him who is habituated normally to yield willing obedience to all laws, human or divine. I claim to be a democrat both by instinct and training. Let those who are ambitious to serve democracy qualify themselves by satisfying first this acid test of democracy. Moreover, a democrat must be utterly selfless. He must think and dream not in terms of self or party but only of democracy. I do not want anybody to give up his convictions or to suppress himself. I do not believe that a healthy and honest difference of opinion will injure our cause. But opportunism, camouflage or patched up compromises certainly will. If you must dissent, you should take care that your opinions voice your innermost convictions and are not intended merely as a convenient party cry.
>
> "I value individual freedom, but you must not forget that man is essentially a social being. He has risen to his present status by learning to adjust his individualism to the requirements of social progress. Unrestricted individualism is the law of the beast of the jungle. We have learnt to strike the mean between individual freedom and social restraint. Willing submission to social restraint for the sake of the well-being of the whole society, enriches both the individual and the society of which one is a member."

This was what I wanted to pointed out.

श्री राम रतन शर्मा (बांदा) : सभापति जी मैं ने दोनों तरफ के भाषणों को सुना। मैं एक निर्दलीय सदस्य हूं, जो मेरी भावनायें हैं उनको मैं इस सदन के सामने प्रस्तुत करना चाहता हूं। दोनों तरफ के सदस्य इस बात पर सहमत हैं कि इस तरह के हालात यहां पर थे कि आपात कालीन स्थिति लागू करने की आवश्यकता आई। एक बार जब दोनों तरफ के सदस्य इस बात पर सहमत हैं तो हमें संविधान को देखना पड़ेगा, क्या संविधान में, जिसकी हम यहां पर शपथ लेते हैं, जिसकी बात बात पर दुहाई देते हैं उसमें कोई प्राविजन है कि इस सदन का कार्यकाल बढाया जा सकता है। संविधान के आर्टिकिल 83 का प्राविजो इस प्रकार है:

> "Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding in any case..." etc., etc

इमर्जेन्सी है, इससे सभी लोग सहमत हैं और यह प्राविजन संविधान में है सभी लोग इसको जानते हैं। फिर आखिर कौन सी बात है, कौन सा आसमान गिरा पड़

[श्री राम रतन गुप्ता]

रहा है एक साल का पीरियड बढाने में जबकि इमर्जेन्सी है और यह प्राविजन भी है।

मैंने और भी बहुत सी बातें सुनीं। बहुत सारी बातें यहां पर आईं। जब मैं खडा हो रहा था तो पीछे से एक सदस्य ने कहा आप किस हैसियत से बोल रहे हैं तो पहले मैं जनसंघ में था लेकिन मैंने उससे त्यागपत्र दे दिया है और पूरी ईमानदारी से त्यागपत्र दिया है। मैं आपको कारण भी बतला रहा हूं क्यों त्याग पत्र दिया। एक आदमी एक रास्ते पर जाना चाहता है, कुछ देर बाद पता चलता है कि वह गलत रास्ते पर था तो क्या उसको अधिकार नही है कि अपना रास्ता बदलकर दूसरे रास्ते पर आ जाये? आप मे से बहुत से लोगो ने दूसरी पार्टियो मे काम किया होगा लेकिन जब आपने अन्तरात्मा की आवाज सुनी होगी तो अपना रास्ता बदला होगा (व्यवधान) मैं ने भी जो रास्ता बदला है उसके पीछे कुछ कारण है और पूरी ईमानदारी है। यह तो इतिहास और भविष्य ही बतलायेगा कि मैं ने कोई गल्ती की थी या अच्छाई की थी—वह बात भी सामने आयेगी। (व्यवधान) एक माननीय सदस्य जेल की बात कह रहे हैं। आप लोग जो यहा पर राजनीति मे आये है उनमे दसियो ऐसे होंगे जिन्होने जेल काटी है। जब भी कोई राजनीति मे आता है तो जेल या जेल का डर उसके दिल मे नही रहता। उसके दिल मे परिवार का मोह नही रहता। सिर्फ पार्टी के सिद्धान्तो को लेकर काम करने की भावना रहती है। ऐसे बहुत कम लोग राजनीति में आने वाले मिलेगें जिन्हें जेल का डर हो। यहा पर जो जेल की बात कर रहे है वे भी जेल के बाहर है। वे यहा पर जेल की बात कर रहे हैं। मुझे जेल का कोई डर नही। मैंने जब सिद्धान्त और नीतियो को अच्छी तरह देखा तो उसके बाद मैंने तय किया कि मुझको इस रास्ते से अलग होना है और मै पूरी इमानदारी से उस रास्ते से अलग हुआ हूं।

एक बात मैं यहा पर जरूर निवेदन करना चाहता हू कि इस इमर्जेन्सी में भी, ब्यूरोक्रेसी जिस प्रकार से पहले काम करती थी उसी प्रकार से आज भी काम कर रही है। मेरे बादा जिले मे 19 जनवरी को मुलकौर गांव से दो हरिजनो को पकड कर ले जाया गया और यमुना के किनारे सवर्णों ने उनकी हत्या कर दी। 13 दिन के बाद लाशो को पोस्ट-मार्टम के लिए भेजा गया। मुझको मन्त्री महोदय बताये किस दिन मामले की रिपोर्ट हुई थी और कितना टाइम लाशो को तलाश करने म लगा। आखिर यह क्या बात है? अगर यही दशा रही तो एमरजेन्सी का क्या मतलब है, किस लिये हम ये सब कर रहे हे? मै निवेदन करना चाहता हू कि इस एमरजन्सी मे इन सब बातो को देखा जाय, ब्यूरोक्रेसी को कसा जाय। जिस तरह से राजनीतिक पार्टियो ठीक हुई है, अगर ब्यरोक्रसी भी इसी तरह मे ठीक हो जाय तो यह बरदान सिद्ध होगा। राजनीति, पार्लियामेन्ट और डेमोक्रसी 10 आदमियो के लिये नही होते है, ये 90 प्रतिशत आदमियो के लिये होते है। अगर 90 प्रतिशत आदमी देश मे राहत की सास ले रहे है, तो यह देश के शासन की सफलता है। इसीलिये मैं इस बिल का स्वागत करता हू। यह बिल बिलकुल सही समय पर आया है, इस के लिये आप को धन्यवाद देता हू।

सभापति महोदय, मैं आप का भी बहुत आभारी हू—आप ने मुझे दस मिनट का समय दिया। मैं एक निर्दलीय सदस्य हू, इसलिये मुझ पता नही था कि मुझ को भी समय मिलेगा या नही—लेकिन आप ने मुझे समय दिया।

SHRI GIRIDHAR GOMANGO (Koraput): Mr. Chairman, Sir, I rise to support this Bill for extending the life of Lok Sabha by one year.

At the moment, what the people of India are interested in are the economic gains, whereas the opposition parties are interested in political gains. It is only the Congress Party which can provide these economic gains to the people. That is why after the Emergency was declared, the Congress Party has adopted this economic programme for the general well-being and uplift of the people.

We got political independence in 1947, at that time the foreign power put all sorts of obstacles and now the fascist forces are there to put all sort of obstacles in the way of economic programme. After the economic programme was launched, the country has gained tremendously within this short period.

Sir, as you know, the Congress Party has always been in power at the Centre and also almost in all the States. In future also, the Congress Party will be ruling this country. In opposing the extension of one year to the life of present Lok Sabha, it was mentioned by some opposition members that because of the fear of losing the elections, the Congress Party is not going to fight the elections now. I am a new Member, but I can say with confidence that the Congress Party will win the elections now or later. It is the Congress Party which represents the masses. The Government by the Congress Party is by the people of the people and for the people.

As I said, what the country needs at the present moment is economic gains In India we have adopted the democratic socialism. We are well on the road of socialism. We have set this 20-Point Programme as twenty milestones in the socialistic path. We know that there will be difficulties in achieving those objectives but it is only the Congress Party which can face those difficulties.

Sir, I would like to tell this House that if there are elections now, attention of most of the people will be diverted from the economic reforms to the elections. In Orissa we had a number of elections and a number of ministries and we know what happens during elections. All the machinery concerned with developmental work is diverted towards the elections. So, if we lose this one year of working season, we will simply slide back by ten years.

Lastly, I support this Extension Bill because in that period if we will be marching forward again and not be going back. I think the country will progress.

With these few words, I support this Bill.

श्री जांबुवंत धोटे (नागपुर) : सभापति महोदय, मैं लोक सभा की अवधि बढाने का जो विधेयक पेश किया गया है उस का समर्थन करने के लिये खड़ा हुआ हू । प्रजातंत्री लोकशाही या ससदीय प्रजातंत्र मे जो चुनाव होते है उस के दौरान सारे देश में, सारे इलाके में एक वातावरण तैयार होता है जो देश की सारी स्थिति को बिगाड़ देता है, तहस नहस कर देता है । हम ने देखा है कि जब भी चुनाव होते है ग्राम पंचायत से लेकर संसद तक, तो उस मे संघर्ष होते है, संग्राम होता है और चुनाव के दौरान हम ने कई कत्ल होते भी देखे है, और कई बातें होती हैं, केसेज चलते है ।

आपातकालीन स्थिति 1971 के बाद 1975 मे घोषित की गई, जब हमारे देश में ऐक्सटर्नल और इन्टर्नल दोनों ही तरह की आपातकालीन स्थिति है ऐसी हालत में चुनाव कराना मेरे ख्याल से मुनासिब नही है । इसलिये मैं इस विधेयक का समर्थन करता हूं । चुनाव के जरिये और चुनाव के दौरान आप ने देखा होगा कि शक्ति, सम्पत्ति और समय का जो व्यय होता है उस की कीमत हम

[श्री जांबुवंत धोटे]

5 साल में भी नहीं चुका सकते। चुनाव के दौरान जो खर्चा होता है, अरबों रुपया खर्च होता है, सत्ताधारी दल की ओर से पूरे यन्त्र और पैसे का इस्तेमाल किया जाता है, विरोधी दलों की ओर से भी यही ढंग के दूसरे हथकंडे इस्तेमाल किये जाते हैं और वातावरण में एक ऐसी भयानक स्थिति पैदा होती है कि चलना फिरना भी मुश्किल होता है। जब देश में आपातकालीन स्थिति है उस वक्त यदि हम चुनाव कराते हैं तो इन सारी बातों का हम को मुकाबला करना पड़ेगा और ऐसी अवस्था में जब दो किस्म की आपातकालीन स्थिति है चुनाव कराने का समर्थन नहीं हो सकता। चुनाव लाना चाहिये जब हम कहते हैं, अन्तरात्मा की बातें बहुत आयी हैं, हमारे साथी जो परसों तक जनसंघ में थे उन्होंने अन्तरात्मा की आवाज दे दी और फ्लोर क्रोस कर के कांग्रेस में आ गये।

एक माननीय सदस्य : कांग्रेस में नहीं आये बल्कि इंडिपेंडेंट हैं।

श्री जांबुवंत धोटे : अभी इंडिपेंडेंट हैं, कल कांग्रेस में चले जायेंगे।

डा० कैलाश (बम्बई दक्षिण) : आप भी आ जायेंगे।

श्री जांबुवंत धोटे: डा० कैलास मैं आप का दोस्त हूं, लेकिन बेइमान दोस्त नहीं हूं। जब हम और आप विधान सभा में थे उस वक्त पहला मेरा केस हुआ जिस में विधान सभा का मेरा सभासत्व खत्म कर दिया गया था, एक्सपैल किया गया था। तो आप और हम एक दूसरे को अच्छी तरह से जानते हैं, वह सवाल छोड़ दीजिए। प्रश्न यह है कि समय, सम्पत्ति और शक्ति की जो फजूलखर्ची होती है चुनाव में, उस को रोकना इस आपातकालीन स्थिति में बहुत ही जरूरी है, निहायत जरूरी है।

जब आपातकालीन स्थिति हमारे देश में जारी है और इस सदन के इधर के और उधर के, पार्टी-इन-पावर के और अपोजीशन के, दोनों के लोग कारागार के अन्दर बन्द हैं, जब दोनों तरफ के लोग कारागार में बंद हैं, राज्य विधान सभाओं के भी कुछ लोग कारागार के अन्दर बन्द हैं, राज्य सभा के कई सदस्य भी इस समय कारागार के अन्दर बन्द है, ऐसी अवस्था में जो प्रचार खुले वातावरण में करने का लोगों को मौका मिलता है, आजाद वातावरण में इलैक्शन में हिस्सा लेने का अधिकार जो सारे लोगों को है, उस अधिकार से इस आपातकालीन स्थिति में उन सब लोगो को वंचित होना पड़ता है। और जब आपातकालीन स्थिति है तो एक बात साफ़ है कि आपातकालीन स्थिति का समर्थन करने वाले हमारे देश से काफ़ी लोग हैं। अब जब आपातकालीन स्थिति का समर्थन करन वाले सारे किस्म के लोग हमारे देश में है, 20 सूत्री कार्यक्रम का भी समर्थन करने वाले सारे किस्म के लोग हमारे देश मे हैं, तो ऐसी अवस्था में चुनाव कराना कहां तक ठीक है।

प्रजातन्त्र की बात करने वाले बहुत से लोग है और सभापति जी, मैं आप को बताना चाहता हूं कि संसदीय प्रजातन्त्र का समर्थक मैं न पहले कभी था और न आज हूं। संसदीय प्रजातन्त्र का समर्थक मैं कभी नही था और आज भी मैं उसकी मुखालफत करता हूं और संसदीय प्रजातन्त्र मे मेरा विश्वास नहीं है क्योंकि इस मे **वेस्ट आफ़ मनी एण्ड टाइम** बुरी तरह से होता है और किसी भी दूसरी शासन व्यवस्था पर इतने बड़े ढंग से पैसा, वक्त और शक्ति खर्च नही होती।

प्रजातन्त्र का समर्थन करने वाले लोग, प्रजातन्त्र को टिकाने की जो बात करते हैं, उस के लिए अगर प्रजातन्त्र को रखना है, तो जब इतने सारे लोग कारागार में बन्द हैं, उस वक्त चुनाव कराना कहां तक मुना-

सिब है, यह मैं अपने साथियों से पूछना चाहता हूं।

मेरी एक सूचना है, संशोधन तो मैं नहीं कहता, कि इनडाइरेक्ट चुनाव आज हमारे देश में हो रहे हैं। राज्य सभा के चुनाव भी होने को हैं। इस वक्त यह बात ख्याल में रखनी चाहिए कि देश की राज्य विधान सभाओं के काफी सदस्य आज कारागार में हैं और विधान सभाओं में से राज्य सभा के लिए जिन को हमें भेजना है, उन विधान सभाओं के बहुत से वोटर्स आज जेल में हैं और जेल में होने की वजह से वे वोट नहीं कर सकते हैं। इस तरह राज्य सभा के सदस्य के लिए वोट करने का जो उनका अधिकार हैं, उस से वे वंचित हो जाएंगे। नागपुर के बारे में बम्बई हाई कोर्ट का अभी एक फैसला हुआ है जिस में उन्होंने कहा है कि वोट करने के लिए जो लोग बन्द हैं उन को छोड़ दिया जाए। ऐसी स्थिति में राज्य सभा में अपने प्रतिनिधि भेजने का जो अधिकार विधान सभा के उन मदस्यों को जोकि जेल में बन्द हैं प्राप्त हैं, उस से वे वंचित हो जाएंगे। मेरा कहना यह है कि उन्हें भी उस चुनाव में हिस्सा लेना चाहिए और उन का हिस्सा लेना बहुत जरूरी है। इसलिए मेरी यह सूचना है, मैं इसे संशोधन नहीं कहता, कि राज्य सभा के चुनावों को भी एक्सटेंड करना चाहिए जोकि होने वाले हैं और जिन का टर्म खत्म होने वाला है। सारे किस्म के इनडाइरेक्ट चुनावों को, जोकि देश में होने वाले हैं, आज रोक देना चाहिए, यह मेरी प्रार्थना है।

सभापति महोदय, एक प्रश्न मैं अपने सभी साथियों से पूछना चाहूंगा। मुझे मालूम है कि कई लोग यहां ऐसे बैठे हैं जो कि विधेयक का विरोध कर रहे हैं। विरोध करने की भूमिका हमारी भी हो सकती है। केवल विरोध के लिये विरोध करना यह बात कहां तक मुनासिब है, यह भी उन्हें सोचना चाहिये।

मैं कहना चाहता हूं कि उनको सीने पर हाथ रखकर बताना चाहिये कि देश मे इस समय चुनाव होना ठीक है या नही। मेरा दावा है कि जो लोग इस विधेयक के खिलाफ बात कर रहे हैं, वह भी कहते हैं कि चुनाव नहीं होना चाहिये और यहां अन्दर आकर करते हैं कि चुनाव होना चाहिये। यह भूमिका ठीक नही है। अगर लोक-सभा का टर्म बढता है तो हमारा भी टर्म एक साल के लिये बढता है। लेकिन चूकि अपोजिशन में हैं, इसलिये खिलाफत करनी है कि यह टर्म बढना नहीं चाहिये, यह बात पाखंड है, ढ़ोंग है, इसका मैं विरोध करता हूं।

चुनाव के लिये जो तैयारियां होनी चाहियें, महाराष्ट्र और विदर्भ में हमारी वह तैयारियां ऐसी हैं कि अगर आज भी चुनाव होता है, तो हम उतने ही अच्छे ढंग से लड़ सकते हैं जितना कि वे लोग लड़ सकते हैं, जो आज इस विधेयक का विरोध कर रहे हैं। चुनाव में आना या न आना, कोई प्रश्न नही है। प्रश्न है कि आपात-कालीन स्थिति मे यह विधेयक प्रजातंत्रीय है या नही। मेरे ख्याल से यह विधेयक बहुत ज्यादा प्रजातंत्रीय है, सही मानों में प्रजातंत्रीय है। हमारे देश में संसदीय प्रजातंत्र चल रहा है, जिसका कि मैं हिमायती नही हूं। उस संसदीय प्रजातंत्र के हिसाब से भी यह विधेयक बहुत प्रजातंत्रीय है।

यहां पर संसदीय प्रजातंत्र का जिस ढंग से समर्थन हो रहा है, अगर उसको बाजू में रखा जाये तो भी मैं खुले दिल से, खुले अन्तः करण से इस बिल का समर्थन करता हूं। मैं अपने साथियों से भी दरख्वास्त करता हूं कि वे इसका समर्थन करें।

[श्री जांबुवंत धोटे]

मेरा दल नेताजी सुभाषचन्द्र बोस का संगठन है, फार्वर्ड ब्लाक और महाविदर्भ राज्य संघर्ष समिति भी इस विधेयक का तहेदिल से समर्थन करते है।

श्री बालचन्द डागा (वाली) : सभापति महोदय, जब से हिन्दुस्तान आजाद हुआ है, तब से यहां पर कांग्रेस का शासन रहा है। 1947 के बाद आज तक देश ने जो प्रगति की है, वह कांग्रेस के प्रयत्नो के कारण हुई है। अगर हम, देश को सम्पूर्ण क्रांति का नारा लगाने वालो के भरोसे पर छोड देते, जो सम्पूर्ण क्रांति के नाम पर देश को अराजकता, उच्छृखलता और अनुशासनहीनता मे झोकना चाहते थ, तो आज देश की क्या स्थिति होती, इसकी कल्पना सहज ही की जा सकती है।

26 जून को इस देश मे एक बडा मजबूत कदम उठाया गया, जिसकी वजह से मुल्क को टुकडे-टुकडे होने से बचा लिया गया। उस कदम की हिन्दुस्तान की 58 करोड जनता ने सराहना की है, उसने इसका विरोध नही किया। जनता ने यह अनुभव किया है कि कांग्रेस पार्टी ने यह जो मजबूत कदम उठाया है, उससे देश ठीक मार्ग पर चलने लगा, और उसकी विकास की गति तेज हो गई।

यह 20-सूत्री कार्यक्रम जनता का कार्यक्रम है। यह किसी पार्टी का कार्यक्रम नही है। देश बडा है, पार्टी छोटी है। कांग्रेस कभी भी यह नहीं कहती कि वह पावर मे रहना चाहती है। देश को बचाने के लिये यह कदम उठाया गया और हम लोगो को बडे दुःख के साथ यह कदम उठाना पडा। जो लोग सम्पूर्ण क्रांति का नारा लगाते थे, उन्होने गुजरात की असेम्बली को खत्म कर दिया और वे बिहार की असेम्बली को भी खत्म करना चाहते थे। उन्होने देश के हर क्षेत्र में अनुशासनहीनता को बढ़ावा दिया था। जब प्राइम मिनिस्टर के केस में इलाहाबाद हाई कोर्ट की जजमैंट के खिलाफ अपील की गई तो उन लोगों ने राष्ट्रपति भवन पर धरना दिया। उन्होंने पुलिस वालों और मिलेटरी वालो को विद्रोह करने के लिये भड़काया। देश को बचाने के लिये यह कदम उठाया गया और जब विकास की ओर कदम बढते हैं तो उनको नहीं रोकना चाहिये। यह बीस-सूत्री कार्यक्रम जनता का प्रोग्राम है और सारी आम जनता ने उसकी सराहना की है। देश के गरीब लोग यह समझने लगे है कि मुल्क आगे बढ रहा है।

सवाल यह है कि क्या चुनाव जरूरी है या मुल्क की प्रगति का काम, अगर इस समय चुनाव होते, तो हम अवश्य जीत जाते । देश में यह हवा बन गई है कि कांग्रेस चुनाव मे जीत जायेगी, लेकिन श्रीमती इंदिरा गांधी ने सोचा कि इस समय पार्टी का सवाल नही है, देश को बचाने का सवाल है उन लोगों के हाथो से जो देश को बर्बाद करना चाहते है। ये लोग 1947 के बाद आज तक पावर मे नही आये है। तो उन्होने एक तरीका सोचा कि कांग्रेस के सदस्यो को गाली दो, उन पर कीचड उछालो और गन्दगी फेको । देश ने यह महसूस किया कि उन परिस्थितियों मे कडे कदम उठाने की आवश्यकता है और इस दृष्टि से प्रधान मंत्री ने आपतकालीन स्थिति की घोषणा की।

सरकार के अलग-अलग विभागों में हजारों अफसरों को भ्रष्टाचार के आरोप में नौकरी से निकाल दिया गया है । गाड़िया ठीक समय पर चलने लगी हैं, कारखानों मे उत्पादन बढ़ने लगा है और खेतों में अन्न की उपज मे वृद्धि हुई है। देश के गांव मे रहने वाले छोटे-छोटे लोगों को लाखों रुपये के कर्जे से मुक्त कर दिया

गया है। अगर इस बढ़ते हुए कदम को रोक दिया गया, तो देश का बड़ा भारी अहित होगा।

श्री गोखले ने जो बिल पेश किया है वह कानून और संविधान के अन्तर्गत है। बाहरी खतरे और आन्तरिक अव्यवस्था के कारण ही एमरजेंसी लगाई गई है। कल हमने देखा कि श्री दीनेन भट्टाचार्य ने पेमेंट आफ वेजिज एक्ट का विरोध किया; उन्होंने कानून को नहीं पढ़ा और केवल विरोध के लिये विरोध करने लगे।

जहां तक चुनाव का सम्बन्ध है, क्या इसको एक साल तक स्थगित रखने से आसमान गिर जायेगा ? अभी माननीय सदस्य श्री घोटे ने कहा है कि इलैक्शन के वातावरण में लोग प्रगति नही कर सकते हैं, क्योंकि उस समय आपस मे तनाव पैदा हो जाता है। मैं कहना चाहता हूं कि देश का बाहरी और आन्तरिक खतरे से बचाने के लिए, अनुशासन लाने के लिये और उच्छृंखलता से बचाने के लिये यह एक सही और माकूल कदम है। इस बढ़ते हुए कदम को रोकना नहीं चाहिये।

नया सफर है, नयी सुबह है, नयी
सुबह को सलाम करो,
चलो, चलो, न कहीं राह में कयाम करो

अगर बढते हुए कदम को रोक दिया, गया, तो देश पीछे चला जायेगा। इस समय आवश्यकता इस बात की है कि हम सब लोग विरोधी दल के लोग भी बीस सूत्री कार्यक्रम को पूरा करने में मदद करें। हम पहले जनता के इस कार्यक्रम को पूरा करें और उसके बाद जनता के सामने चुनाव के लिये जायें।

SHRIMATI T. LAKSHMIKANTHAMMA (Khammam): Mr. Chairman, Sir, about the Revolution this was what Mahatma Ghandhi had said. I quote:

"Revolution will sweep India if Congressmen fail."

"The Congress has gained the trust of the people on account of its many sacrifices and penances; but if at this moment it were to let the people down by becoming their overlord instead of their servant and arrogate to itself a position of master. I venture to prophesy, on the strength of my experience of long years that, though I may be alive or not, a revolution will sweep over the country and that the people will pick out the white capped ones individually and finish them and a third power will stand to gain by this."

Sir, I consider you, Sir, as an associate of Vinoba Ji. I had quoted the above from the publication of the Indian National Congress.

Sir, Vinoba Ji is a great living saint next to Gandhi Ji. This was what the great saint said whom we respect so much. This was what he said at the Acharya Sammelan. What does the Acharya Sammelan say?

The Acharyas' Sammelan felt that detention of large numbers of social and political workers, curtailment of civil liberaties and press censorship, including the coverage of parliamentary proceedings, were not good for the health of the nation; it is desirable to bring about normalcy through a series of steps to hold the elections as early as possible. They also expressed concern over the effects of the continuance of the present situation on the minds of the younger generation and said this will ultimately worsen the situation.

17 hrs.

This is what the Acharyas said. I hope all of us have respect for the decisions of Vinoba and his Sammelan. Shri Sriman Narayan said that he was coming to Delhi and would meet the Prime Minister on the 23rd or 24th What happened? Why did Shri Sriman Narayan not get an interview? I

[Shrimati T. Lakshmikanthamma]

do not know. Bechara, he must have left. I do not know whether he has left or not....

AN HON. MEMBER: Is all this relevant?

SHRIMATI T. LAKSHMIKANTHAMMA: It is very much relevant, because Vinobha and others feel that early elections should be held and the present emergency and the evil effects of it should be removed (*Interruptions*).

Whatever may be the position, the papers may not publish it. We may be in darkness, I agree the people may be in darkness. But the leader is not in darkness, because her intelligence works in every part of the country and they have their own reports of how many people are arrested, how many are in jail, how much restlessness there is. So how can you risk it?

This is the main situation and reason why we are not prepared to face an election. What happened? Women in long queues had voted. They have been your supporters. But the theory is—anybody who supports you 'cut him'. Women had stood in long queues and voted saying 'our woman is the Prime Minister'. But what happened? Their rights are taken away; even the little rights that her father had given are taken away Of course, thanks for a small measure brought in. But I do not know how much practical implementation of it there will be. I wish them all success as far as the Equal Remuneration legislation is concerned.

As regards labour, only today you passed that Bill. About the DMK, it was once a great friend. We did not even set up one candidate, even for the pleasure of it because the wave was there. At least we wanted to be satisfied that we had some MLAs in the Assembly At that time, for 10 petty parliamentary seats, we bargained with them. Today they are all criminals to face trial. May be it is true. If a trial is to be faced, let us all face it.

So, also about Charan Singh who is in Jail, then Chandrasekhar....

MR. CHAIRMAN: Your time is up.

SHRIMATI T. LAKSHMIKANTHAMMA: Please give me some more time.

About Kamraj, he was given 'Bharat Ratna' after his death. At least we recognised him after his death. There is a saying in Telugu: 'While living, you do not give a cup of milk, but on the graveyard you tie a cow..

What has happened? One wrong decision led to further wrong decisions Emergency was first proclaimed. Then to overcome the displeasure of the people over this action, you have to continue other measures, one measure after another; once the fall starts... (*Interruptions*).

I call this measure the outcome of a guilty conscience and fear complex. These are the two things that have resulted in this Bill You have put thousands in. I know some instances. There were meetings at Hyderabad and Vizag. What happened? 500 students were arrested. Find out. We may not know it through the press. Is it a fact or not that 500 students were arrested.

MR. CHAIRMAN: Mr. K Lakkappa

SHRIMATI T. LAKSHMIKANTHAMMA: Please give me two minutes.

SHRI K. LAKKAPPA (Tumkur): Mr. Chairman, I heard with rapt attention ...

SHRIMATI T. LAKSHMIKANTHAMMA: Only one word more.

MR. CHAIRMAN: Yes.

SHRIMATT T. LAKSHMIKANTHAMMA: Fear is a base instinct of mind. If we all become cowards how will we face foreign invasion? That should be removed from your mind, from the minds of people to make the nation strong so that they can decide things for themselves and you should not arrogate to yourself, to your ego the feeling that you are the deciding authority.

SHRI K. LAKKAPPA (Tumkur). I wholeheartedly support this Bill and I want to repudiate the thinking of some Members on the other side like Shrimati Lakshmikanthamma. She is such a good lady but she has associated herself with those people and landed herself in trouble. I do not know what has happened to her social reform and social thinking. Because, we also do respect their sayings At the same time we must see that the country, the people and the Constitution march forward.

We have seen enough elections In fact I have fought a number of battles since 1957 and I have also won many battles in elections. That process has been taking the country towards a certain direction and the political thinkers and the people at large should give serious thought to it. Ultimately the will of the people will prevail; people will desire that they should get results immediately after the elections After many elections, a state of emergency has been proclaimed and the whole country is under discipline The Prime Minister of our country is taking our country towards economic freedom and that is the will of the people That is a right decision that the Prime Minister has taken The question is whether we need any reforms in the election process; that is why there is need for extension of the Lok Sabha's term by one year It is not a political action; we do not want to take any political advantage It is the desire of the people that election reforms are necessary and in order to reflect the will of the people certain changes should be made Economic freedom should be given to the people The process of election should be such as to reflect the true will of the people. This is not the thinking of the other side and we have been observing that for many years. They have abused the freedom that has been given under our Constitution. Freedom is only for the black marketeers, for hatching conspiracies and for exploiting the dumb millions and perpetuate what is called election stunts and manouvres and thus create an impossible situation The country needs drastic action. That is the outcome of this emergency This emergency would help us Hon Minister Mr. Gokhale has to take into account the dimensions of this country I suggest that the term of the Lok Sabha should be more than five years. When there is election we spend a lot of money and the country cannot afford it

MR. CHAIRMAN: I want to call the next hon Member. I want to give the maximum opportunity to as many Members as possible because I have to call the hon. Minister at 5-30.

SHRI K LAKKAPPA: I shall conclude

MR CHAIRMAN: You have concluded Shri Venkatasubbaiah. Hon. Members may be as brief as possible. I shall give time to as many Members as I possibly can.

SHRI P VENKATASUBBAIAH (Nandyal): Mr Chairman, Sir, while introducing the Bill, the Minister has said that the country is passing through critical times and it is necessary that the present life of the Lok Sabha should be extended by a year and it is also necessary since the Emergency was declared in the country and the internal security was in danger Sir, nobody disputes the fact that the election is an essential ingredient of parliamentary democracy and elections had been held in this country in the past from time to time after the enactment of our Constitution or even before that under a modified system under the Govt. of India

[Shri P. Venkatasubbah]

Act, 1937. I humbly submit to those people who are opposing this bill not to be hypocritical of their own conscious because the Congress Party never in the past had hesitated to take the verdict of the people and never in the history of the Congress Organisation it hesitated to quit office when it was necessary. In 1937, the Congress Party went into voluntary wilderness when they opposed the British Government with their imperialist policy.

Sir, I may recall in this connection the speech made by the hon. Prime Minister while addressing the delegates of the All India Congress Committee at Chandigarh when she said: "When I am to choose between the national interests and the party interests. I am prepared to subordinate the party's interests to national interests. It is evident and it is beyond doubt that even if the Congress Party goes to poll after the expiry of the present term of Lok Sabha, it will be returned with a greater majority than it is having now. And it may not be surprising that many of these parties or small groups who are opposing the policies and programmes laid down by the Prime Minister and the Indian National Congress will be wiped out of their existence, since the socio-political-economic programme that has been enunciated and put forward before the masses has won the widest support, ever possible, in this country. India is the biggest parliamentary democracy with nearly six hundred millions of people and nearly half of them are the voters. They are convinced more than ever that unless there is a firm socio-political-economic infrastructure, parliamentary democracy cannot survive in this country. For years to come, parliamentary democracy and the judiciary have been exploited by some few influential sections of the population to buttress their prosperity at the cost of the millions of our people. The people have been told time and again that parliamentary democracy does not mean an empty democracy. It is a democracy that will be supported by a strong base of economic prosperity to the weaker sections and vulnerable sections of the people. It is extremely necessary that the 20-point economic programme and other programmes should be given a fair trial, should be implemented in toto and should be given a sufficient time to have the real benefit from the policies and programmes of the Government. I say to our friends opposite that they should not be in that blissful ignorance or in the day-dreaming that the Congress Party is hesitant to go to polls because it is afraid of the people and it will not win the elections. It is the other way round to my friends opposite.

So, Sir, in the interest of our stability and also internal security and unity and also to save this country from the external aggression as well as internal disunity, it is necessary that we should go forward and pursue the policies and programmes of the Congress Party under the dynamic leadership of the Prime Minister. For this reason, we all wish that even our friends in the opposition should support this measure that has been brought forward by the Law Minister.

SHRI P G. MAVALANKAR (Ahmedabad): Mr. Chairman, Sir, I must confess that I am most unhappy today. I feel very uncomfortable because we are about to do something which is totally immoral and unconstitutional. I feel we have no right, no authority, no sanction to extend our own term here by deciding it ourselves. Surely, there is a higher appeal, appeal to the people. That can be stopped only if the situation is so extraordinary and grave like a direct war etc. In the past, we have had such unfortunate grave exigencies and aggressions which we have faced courageously. If such exigencies are there and we cannot appeal to the people, I can understand it. But there is no such grave emergency of that type to compel us to postpone elections by one year. This is a something totally unwarranted and unconstitutional and immoral.

In the statement of objects and reasons, the Law Minister says "It is considered necessary to extend the duration....." and stops there. He does not give any valid reasons to persuade the House and the country that the elections cannot be held now and that the elections should be postponed in the interests of the people and of the whole nation. I hope, in his concluding remarks, he will answer this question.

This decision to postpone the elections has been taken by the government out of its mentality of weakness It is a diffident government panic-stricken government, not a confident government which has taken this decision. It is universally accepted in a democracy that an appeal from the legal sovereign has to be periodically made and converted into an appeal to the political sovereign. This Parliament is the legal sovereign body upto a point; but surely the people are more sovereign than Parliament. So why stifle and stop this appeal to the popular will and to the political sovereign?

And may I know where is the emergency? My contention in fact, is that this emergency both external and internal, is artificial, false, totally fabricated. I have never seen a more dishonest, more immoral and more unprincipled piece of legislation! Where is the principle, except that we want to extend our term by one year? This is the product of utter selfishness and of sheer short-sightedness. Such a cold, clever, cunning, calculated and cavalier use of our Constitution was unthinkable and unimaginable for the founding fathers of our Constitution. I am sure, it is equally unthinkable and unimaginable for those of us who believe in democracy and constitutionalism.

I have listened to all the speeches made during this debate. It is said that the extension is sought to consolidate the gains of the emergency, whatever they are. I may not accept those so-called gains. I may have my strong reservations about them; but if the gains are there, then why not make the claim of such gains of the emergency itself on election issue and go to the people? Sir, my fear is that after one year, Government will again say that they require extension for one more year and then for another year and so, they will go on like this indefinitely. Sir, the real point is that the gains of emergency are not for the people but the gains of emergency are for their own power and perpetuation. Secondly, I want to suggest that even if the gains of emergency are there for the people, they are yet to be seen. But certainly people will say that the gains of emergency have accrued to Members of Parliament!

श्री विभूति मिश्र (मोतिहारी) : मेरा प्वाइंट आफ आर्डर है। पिछली बार जब चार वर्ष में पार्लियामेंट भंग कर दी गई थी, तो ये लोग कहते थे कि पार्लियामेंट को क्यों भंग कर दिया गया, और अब अगर इस को एक साल बढ़ाने के लिए यह विधेयक लाए है तो कहते है कि क्यों इस की अवधि बढ़ाई जा रही है। दोनों बातें ये कैसे कह सकते है ?

MR. CHAIRMAN: There is no point of order.

SHRI P. G. MAVALANKAR: Sir, I do not mean personally to anybody but some Congress friends—including you when you were speaking earlier and not from this Chair—asked those of us who oppose this extension to resign. I hope the Congress friends or anybody else in this House will not be uncharitable to those who honestly believe that this measure is wrong. Some Congress members are chiding and arguing that we are honest enough and believe that this measure is wrong then we must get out of this Parliament. Some others say that the Opposition in their heart of their hearts are happy about this extension. These are very cruel and uncharitable remarks, Sir. I can only speak for myself, independent as I am, and not on behalf of any party or group I am quite unhappy about this Bill. As for

[Shri P. G. Mavalankar]

the challenge to resign, I can only say that one can accept it provided that the challenge accompanies simultaneously an assurance of holding bye-elections promptly in such areas where the Members resign. Therefore, what is the use of throwing empty words of a challenge? So, then I feel very unhappy today because of this un-principled legislation for extending our own life and term here, for which we have neither the right nor the authority.

SHRI NATWARLAL PATEL (Mehsana): My friend Mr. Mavalankar is very unhappy. I am sorry to tell the House that I did not find him happy when he came in the Lok Sabha

So far as this Bill is concerned, Mr. Mavalankar is opposing it. I think, this is not a good tradition on his part. Therefore, I advise him that whatever good he finds on this side, he should support that.

I have heard Mr. Chatterjee I am much worried about him. He was teaching us some lessons of democracy. These people have no right, to teach lessons of democracy to Congress MPs These people do not believe in democratic set up and now they have come forward to preach lessons of democracy, it is really very strange The entire world knows what they have done in West Bengal. They struck terror in West Bengal during their regime.

I understand, Mr. Mavalankar comes from Gujarat. So, he knows everything what is happening there So far as Congress Members are concerned, we are not after power but we are here just to serve the people So far as Gujarat State is concerned, today we are not in power there but when Panchayat elections were held, we got a brilliant majority. We have been supported by the people of Gujarat—80 per cent of them. We have got a brilliant majority. Mr. Mavalankar and other Opposition Members should not say that we are afraid of elections. I understand that so far as democracy is concerned, elections are essential; but I think elections are not everything for us. There is something more important than elections. We are trying to implement the 20-Point Programme. We understand what had happened in the past. There were forces which wanted chaos. They wanted to break the Parliament. I do not know whether Mr. Mavalankar was a party to it. There was a struggle against the duly-elected Assembly in Gujarat. Mr. Mavalankar did not utter a word at that time (*Interruptions*)

MR CHAIRMAN: Mr. Mayathevar.

SHRI NATWARLAL PATEL: So far as Gujarat is concerned, law and order has broken down absolutely. During the elections there, 4 Congressmen had been killed. Not only that. A number of Congress workers were beaten up I understand that there is contamination by Jana Sangh and RSS in Gujarat.

MR. CHAIRMAN: I understand that the time at the disposal of the House is limited. Mr. Patel, will you please resume your seat? Please be seated. Now Mr. Mayathevar.

SHRI K. MAYATHEVAR (Dindigul): I rise to support this Bill without any reservation or any condition. I support this bill in toto because I am fully aware that this bill, extending the life of the House, has been introduced not in the interests of the Members of Parliament This bill has been introduced, mainly and to the extent of 99.9 per cent, for the welfare of the 60 crores of people of India. It has been introduced by the hon. Minister Shri Gokhale to safeguard the safety and the security of the nation It has been introduced to give bread to the people. If you put a question to the down-trodden masses of India, whether they would select vote or bread, they would say: "We want bread." The Prime Minister Shrimati Indira Gandhi had decided Emergency and announced the 20-Point Programme to safeguard India against foreign aggression, aggression from the United States and I do not want to name any other country. What happened in

Bangladesh? The Emergency was declared to safeguard democracy in India. This should be understood by the Opposition. When there is a dispute or clash between the individual's policy and the policy of the political party, the interests of the political party should be safeguarded. When there is a clash between the interests of the political party and those of the country the country's interests should be given the first and the top-most priority. We are now extending the life of this House, not for the interests of the Prime Minister, of the Law Minister or of the members of different parties. It is purely intended to bring bread to the people, down-trodden people. We welcome the 20-Point Programme. We welcome the Emergency. On behalf of the ADMK, I praise the hon. Prime Minister and the President of India and congratulate them for introducing President's rule in Tamil Nadu, in order to put down corruption. By introducing President's rule in Tamil Nadu, they are teaching a lesson to the corrupt ministers in Tamil Nadu. The future ministers and politicians in Tamil Nadu and the future statesmen not only in Tamil Nadu but throughout India, must learn a lesson from the appointment of an enquiry commission by the Government of India, to enquire into the misuse of power by the Chief Minister of Tamil Nadu and his ministers. Therefore, I welcome the President's Rule. In fact, I came only yesterday from Madras. I have seen that hundred per cent of the people of Madras are smiling and they are welcome President's Rule. But, while we welcome this under the present situation, when normalcy is brought about in the Indian soil, when rebellions are put down, the people who are behind the bars should be released and we should have free and fair elections. Therefore, on behalf of the ADMK I support the Bill.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Mr. Chairman, I have heard the speeches of the hon. Members with very great attention and care. I am thankful that the Bill has been supported, not only by members of the Congress Party but by a good many of the members of the opposition parties, as well as by the independents. Even those opposition members who opposed the Bill, when I heard their speeches, I somehow or other got the impression that they were speaking with their tongues in their cheeks. Because, I felt that they were opposing as they knew whether they oppose it or not, the Bill is going to be passed, and they really whole heartedly wanted this measure to be passed.

SHRI ERASMO DE SEQUEIRA: He is misleading himself.

SHRI H. R. GOKHALE: I do not wish to be legalistic. Some members have referred to the argument that this is unconstitutional, apart from the argument of Shri Mavalankar that it was immoral also. I do not know how it is unconstitutional. Nobody has explained it, not even Shri Mavalankar.

AN HON. MEMBER: They themselves do not know it.

SHRI H. R. GOKHALE: One thing is quite clear, namely, that the very Constitution which in the normal circumstances, dictated that an election should come after a period of five years is over, also laid down that if there is an emergency in operation, this House by law can extend the period for not more than one year at a time. Therefore, I do not have to answer this, because nobody has said how it is unconstitutional. Therefore, as I said, I do not want to be legalistic.

Coming to the first speaker, Shri Somnath Chatterjee, who spoke very eloquently, as he usually does, so far as today's speech is concerned, apart from his eloquence, unfortunately, I found little substance in it. He said that the emergency was brought on the 25th June on account of internal disturbances and the earlier emergency of 1971 on account of external aggression. According to him there is no emergency now and, therefore, this measure, as he put it, was only with a view to perpetuate the status quo.

[Shri H. R. Gokhale]

Now it is ununderstandable how any person, who has observed the developments in this country in the last one year or so, particularly before the 25th of June, can say that the situation which was prevailing in this country was not an emergency situation. Have we forgotten how these very exponents of democracy and liberty, who are very loud about these terms today, had been doing everything in their power to subvert and to destroy democracy in this country? They are now talking in terms of liberty, democracy and freedom of speech. But I believe that even the maximum of idealistic concept of democracy cannot envisage that there can be liberty or democracy to destroy democracy itself.

We have seen how these very people and these very parties acted a few months before the emergency. Have we forgotten that when the Gujarat situation arose, a popularly elected legislature was forced to step down by force and coercion? But when it did not fit in with their concept of democracy .....

SHRI DINEN BHATTACHARYYA (Serampore): All stale arguments.

SHRI H. R. GOKHALE: May be stale arguments, but these are all facts. They have become stale to my hon. friend, because they are inconvenient to him. My hon. friend does not want to be reminded of these things, because these are arguments which are inconvenient to him.

The point is that an atmosphere had grown, a deliberate attempt was made to develop that atmosphere, where democracy in this country could not function. I have no hesitation in saying that in the building up of this atmosphere some of these political parties had taken a major share. I would even go to the extent of saying that they were backed up by forces which were not favourable or friendly to India.

Don't we remember how Parliament itself functioned? Was that the concept of democracy in the minds of these people at that time? No measure could be undertaken, canvassed, argued or placed before the House without unseemly scenes of interruptions and at times even unseemly behaviour. All this is democracy!

Some of them were saying that we should restore normalcy. Is it the suggestion that all that was happening before 25th June was normalcy and that it should be restored? But what was happening before 25th June was not normalcy. In fact, conditions which were in the nature of abnormality had been created in this country for a length of time, so that to say that we should now restore those conditions is the very negation of democracy.

Therefore, I can only say that all these loud phrases about liberty, democracy and so on and so forth are only used for the sake of opposing this measure, but they all know that they themselves have been party to the scheme for destroying and subverting democracy in this country.

It is in these circumstances that the emergency of June, 1975, was imposed. It was in a sense an unprecedented step because after independence while emergency on account of external aggression had been proclaimed, emergency on account of internal disturbances had not been proclaimed.

Why was this extraordinary step taken unless it was a fact that the very existence and maintenance of the democratic fabric of the country was in danger at that time? And it was in danger.

It is said that those conditions have changed over-night. Of course, one thing is true that some of the people who had been instrumental in creating this atmosphere of subversion are not in a position to operate so effectively now and conditions have been quiet. This, in fact, is proof of the fact that they were responsible for creating those conditions. But this is not to say that conditions have come back to normal.

The forces which wanted to create instability, the forces which wanted to create subversion and destruction of democracy in this country are still at work. It may be that because of the steps taken in right time by the Government and the Prime Minister, they are lying low, but it does not mean that those forces are dead. Therefore, it is necessary that before it is too late we must take care to see that these forces of reaction do not raise their heads again to create the conditions of abnormality which were prevailing before the declaration of emergency on 25th June, 1975.

Something was said about the Statement of Objects and Reasons. What is wrong with the Statement of Objects and Reasons? Anyone who knows the purpose of the Statement of Objects and Reasons will also know that it is intended to indicate the purpose in law of the particular legislation. That is precisely explained in the Statement of Objects and Reasons. The political basis and the economic basis of a step which is being taken are matters for this House to discuss and consider and for the Government to explain at the appropriate time. I tried to do that in my opening speech and I am trying to do it now.

Shri Somnath Chatterjee very cursorily referred to the right of recall. I am sure that if that right were there, he and some of his collegues would be the first to be recalled by the electorate. It is now said that people are being suppressed, people are not supporting this emergency. To say this is not to appreciate or understand or to deliberately distort the exact position which is there in this country. The fact is that an overwhelming majority of the people in this country, from the rural as well as urban areas, have very stoutly and strongly welcomed the proclamation of emergency in this country. They have wlecomed the sense of discipline which it has brought in; they have welcomed the implementation of the economic plans; they have welcomed the removal of hurdles in the implementation of these plans; they have welcomed coming into force a political atmosphere which is really in consonence with this atmosphere. And I stoutly refute that the people are not behind the proclamation of emergency. On the contrary. I vouchafe to say that very widely all over the country, the people have said and have been saying that the emergency was just the thing which it was necessary at that time and it has been done by the Prime Minister.

One of my friends has talked about democracy. I wonder since when he began to believe in democracy. The point is this. It is only when you use that particular slogan with arguments.....

(Interruptions)

SHRI DINEN BHATTACHARYYA: I am also a believer in democracy. My political career.....

(Interruptions)

SHRI H. R. GOKHALE: I have also been in the political movement from early 1938. Do not remind me of that.

(Interruptions)

SHRI DINEN BHATTACHARYYA: I have been since 1930. I am a believer in democracy but not undemocracy.

(Interruptions)

SHRI H. R. GOKHALE: I am glad to hear that from you.

SHRI S. A. SHAMIM (Srinagar): Both of them are old enough to leave politics now.

(Interruptions)

SHRI H. R. GOKHALE: Therefore the debate went on which was a distortion of the correct facts of the situation today. One thing is clear that a general election in a vast country like India with an electorate of about 300 million people does create an atmosphere apart from the economic consequences which might tend to give rise to something or strengthen the inflationary situation and so on, of disturbance in a situation like this.

[Shri R. R. Gokhale]

(*Interruptions*)

You will get a chance to have an election and at that time we will see.

(*Interruptions*)

I am only saying that, Somebody has said—I do not remember who—that the Government is acting as if it has no confidence in itself. In other words, it was suggested that the Government is not going in for an election because they are afraid that they will not win the election. I want to be very categorical on this that if at all there was any time, if we looked at it from the point of view only of winning an election, which was favourable to the Congress Party, it was this time. I am quite sure that if elections were held, the Congress Party will come back with a majority, far more than the majority it has today. But as the Prime Minister has said—of course, it cannot apply to all of them—most of them may not be here. That is a different matter.

(*Interruptions*)

In a situation like this, you do not consider merely from the point of view of winning or losing an election Every political party, no doubt, wants to win an election So does the Congress Party. But the objective in a country like this in a situation like this is not only to win an election That is why she has said that while she is quite sure that the present situation is right for the Congress Party to come back, the needs and the demands of the situation are such that the present time is not the right time for election because of the various factors which have been mentioned before this House just now. Therefore, there is no point in going into all these arguments. I know the motivations of some of the Opposition parties behind this. I also know that most of the Opposition parties and Independents have supported this measure and (M) is an indication of the fact that an overwhelming majority in this House is in favour of this measure.

I recommend this Bill for the consideration of this House.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the extension of the duration of the present House of the People, be taken into consideration."

The Lok Sabha divided.

Division No. 24] **[17.45 hrs.**

AYES

Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Ambesh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Aziz Imam, Shri
Babunath Singh, Shri
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barua, Shri Bedabrata
Basappa, Shri K.
*Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh Rotak, Shri
Buta Singh, Shri

*By mistake voted for NOES Corrected to AYES.

Chakleshwar Singh, Shri
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Daga, Shri M. C.
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri S. N. Singh.
Desai, Shri D. D.
Dhamankar, Shri
Dhillon, Dr. G. S.
Dhote, Shri Jambuwant
Dhusia, Shri Anant Prasad
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dube, Shri J. P.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gavit, Shri T. H.
Giri, Shri S. B.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hanumanthaiya, Shri K.
Hari Singh, Shri
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jitendra Prasad, Shri
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kale, Shri
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D.
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G. Y.
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Mahajan, Shri Vikram
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mandal, Shri Jagdish Narain
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mayathevar, Shri K.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jaganath
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Murmu, Shri Yogesh Chandra
Naik, Shri B. V.
Negi, Shri Pratap Singh
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar

Pandey, Shri Narsingh Narain
Pandit, Shri S. T.
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patil, Shri B. V. Vikhe
Patil, Shri Krishnarao
Patnaik, Shri J. B.
Peje, Shri S. L.
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Raju, Shri P. V. G.
Ram Hedaoo, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Raut, Shri Bhola
Ravi, Shri Vayalar
Roy, Shri Bishwanath
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sangliana, Shri
Sankata Prasad, Dr.
Satish Chandra, Shri
Satpathy, Shri Devendra
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafee, Shri A.
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Sudarsanam, Shri M.
Sunder Lal, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tayyab Hussain, Shri
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri R. P. 192

NOES

*Basumatari, Shri D.
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.

*By mistake voted for 'NOES'. Corrected to AYES.

Chowhan, Shri Bharat Singh
Deb, Shri Dasaratha
Deo, Shri P. K.
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Horo, Shri N. E.
Kiruttinan, Shri Tha
Lakshmikanthamma, Shrimati T.
Mavalankar, Shri P. G.
Modak, Shri Bijoy
Mohanty, Shri Surendra
Mukherjee, Shri Samar
Mukherjee, Shri Saroj
Parmar, Shri Bhaljibhai
Ram Deo Singh, Shri
Ramkanwar, Shri
Roy, Dr. Saradish
Saha, Shri Gadadhar
Sequeira, Shri Erasmo de
Shamim, Shri S. A.
Sher Singh, Prof.
Singh, Shri D. N.

MR. CHAIRMAN: The result of the division is:

Ayes—191; Noes—25.

The motion was adoptd.

MR. CHAIRMAN: Now we take up clause-by-clause consideration.

Clause 2—(*Extension of duration of the present House of the people*)

SHRI ERASMO DE SEQUEIRA: I beg to move:

Page 1,—

for lines 11 to 16, *substitute*—

"Provided that if both or either of the said Proclamations cease or ceases to operate before the said, period of one year, the present House of the People may continue until six month after the cesser of the said Proclamation or Proclamations, unless it is after such cesser, dissolved under clause (2) of article 83 of the Constitution." (1)

Mr. Chairman, Sir, when I saw the Bill circulated, I was wondering why the proviso to clause 2 had been drafted in the manner in which it was drafted. After the discussion today in this House, I am beginning to understand the reason because there was a demand here by Prof. H. N. Mukerjee that Government should hold the elections with the emergency on and the censorship on and all the political leaders in jail. Now I am beginning to understand, why the proviso is drafted as it has been. I am suggesting an alternative proviso to the provisio as it exists in the Bill.

I have two submissions to make in respect of the amendment. My first submission is, whether Government having come to the House and said that conditions in this country justify—even though they say this against the facts according to us—the extension of the term of this House, can still retain for themselves the right to dissolve the House without lifting the Emergency, without getting out of the proviso under which they are now operating and getting into the main clause. You cannot have it both ways. If Government say that the conditions in this country justify the extension of the term, then it must also say, to be consistent, that as long as those conditions exist, the House cannot be dissolved, because this country cannot remain without a Parliament. I think, at least on that much we agree.

My second submission is that if the plan is to hold an election, or the process of election—because substance they now forget—with the country as closely contained, as it is today, with the leaders in Jail, with censorship with extension of MISA and all these Draconian laws, that is no election at all. And, therefore, I have moved an amendment to the effect that this Government should only be able to dissolve this House if it comes forward and says that conditions for a free and fair elections are already there, which means

[Shri Erasmo de Sequeira]

after either of the emergencies is lifted. This is the scope of my amendment.

SHRI H. R. GOKHALE: If there is anything unconstitutional, it is this amendment. The amendment reads like this:

"Provided that if both or either of the said Proclamations cease or ceases to operate before the said period of one year, the present House of the People may continue until six months after the cessor of the said Proclamation or Proclamations, unless it is, after such cessor, dissolved under clause (2) of Article 83 of the Constitution."

Now the extension of the House is till 18th March next year If the Emergency is lifted say in January, according to this amendment, the House should continue for six months after that. It is just what Article 83 does not permit

SHRI ERASMO DE SEQUEIRA: Article 83 says exactly that.

18 hrs.

MR CHAIRMAN I will now put amendment No. 1 of Shri Erasmo de Sequeira to clause 2 to vote

Amendment No 1 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill.

Clause 1, Enacting Formula and the Title were added to the Bill.

SHRI H. R. GOKHALE: I beg to move:

"That the Bill be passed"

MR CHAIRMAN. There have been no names sent to me—Shri Ram Deo Singh's name has come to me just a second back. Even so, I will be fair and I will give him time...

SHRI ERASMO DE SEQUEIRA: We will not sit beyond 6 p.m.

MR. CHAIRMAN: I will take the pleasure of the House. I will take the reality stage when in five minutes we can have the Bill passed, why to postpone it for tomorrow?

Therefore, I will be fair and give opportunity to the hon. Member who wants to speak. I hope you will co-operate and let us have the Bill then put to vote.

SHRI S A. SHAMIM: Let us go home and celebrate it.

SHRI ERASMO DE SEQUEIRA: There will be Division on this.

MR. CHAIRMAN: Shri Ramdeo Singh.

श्री रामदेव सिंह (महाराजगंज) : सभापति महोदय, इस बिल से हमको कोई आश्चर्य नही हुआ है । यह सरकार जिस राह पर जा रही है, उससे लगता है कि पता नही ऐसे-ऐसे बिल इस हाउस मे कितनी बार उसको लाने पडेगे । यह कहना कठिन है । श्री गोखले ने कहा कि हम चुनाव से नही घबराते है, चुनाव तो हमारे पक्ष मे होगा । अगर ऐसी बात है तो आप चुनाव मे जाते क्यो नही है ? यह तो आप पर निर्भर है कि जब तक चाहे एमरजेंसी को लागू रखे ।

आज देश मे सब तरफ शाति है, उसके बावजूद भी आप एमरजेसी रखे हुए हैं । आप अपनी शक्ति का कितना दुरुपयोग कर रहे हैं ? यह आप पर निर्भर है । तमिलनाडु मे सरकार को आपने तोड दिया, विधान-सभा को तोड दिया तो भी आप डैमोक्रेट है और अगर कोई वर्कर, वर्कर्स की एसोसियेशन या जनता किसी तरह उनको भंग करने की मांग करती है तो वह फासिस्ट हो जाती है । आप इस

देश के लोकतंत्र की कई परिभाषा देता रहे हैं। आज सारी दुनिया इसे लोकतंत्र की आपकी इस नयी परिभाषा पर आश्चर्य हो रहा है जिसकी दुहाई आप दे रहे हैं। लेकिन हमारे लिये यह कोई नई बात नहीं हो रही है। हमें वह दिन याद है जब 1942 में आन्दोलन के समय बापू जी के नेतृत्व में हम लोग संघर्ष कर रहे थे तो अंग्रेजों ने कहा था कि ये फासिस्ट लोग हैं, खौफर हैं, ये जनता के दुश्मन हैं। आज जिन शब्दों का आप प्रयोग करते हैं, ये शब्द हमेशा इस देश के विचार स्वतंत्रय रखने वालों के लिये, जनतंत्र के सेवकों के लिये अंग्रेजों ने प्रयोग किये हैं।

लोकतंत्र की ये दुहाइयां देते हैं, देश में पूर्ण शांति होते हुए भी बिहार की सरकार को यह तोड़ते हैं। इन्होंने उत्तर प्रदेश की सरकार को सस्पैंड कर दिया और श्री बहुगुणा को हटा दिया, तो भी ये डमोक्रेट हो गये, लेकिन अगर जनता कहती है कि बिहार और गुजरात की विधान-सभा को भंग करो तो जनता फासिस्ट हो जाती है। यह जबर्दस्ती की बात है। हम लोकतंत्र और अहिंसा में विश्वास करते हैं। हम उन लोगों में से हैं, जो संसदीय प्रणाली में विश्वास करते हैं। हम तलवार, बम और पिस्तौल की राजनीति में विश्वास नहीं करते हैं। लेकिन लोकतंत्र में जनता को विचारों की स्वतंत्रता होती है। जिस सरकार ने जनता के विचारों की स्वतंत्रता का हनन कर दिया है, उस को डमोक्रेसी का नाम लेने का कोई नैतिक हक नहीं है।

इस सरकार ने विचार-स्वतंत्रता का हनन किया है। लोक सभा में हुए हमारे भाषणों को भी आज अखबारों में नहीं छापा जा सकता है। क्या यह डिक्टेटर और फ़ासिस्ट का चरित्र नहीं है? यह सरकार पूरे दल-बल के साथ फ़ासिस्ट राह पर चल रही है। अगर मैं यह कहूं कि आज केन्द्रीय सरकार फ़ासिस्टों की सरकार है, तो यह कोई अत्युक्ति नहीं होगी।

इस सरकार ने लोगों को मिलने-जुलने से रोक दिया है और अब उस ने चुनावों को स्थगित कर दिया है। उस ने अपने विरोधियों को जेल में बन्द कर दिया है। आज श्री कछवाय अनशन कर रहे हैं। आज जेलों में रखे गये लोगों की दुर्दशा हो रही है। हम ने केवल आन्दोलन ही नहीं किया, बल्कि लाठियों को उठाया, आंसुओं को जलाया, और बिहार के लोगों को याद होगा कि सात सौ राउंड गोलियां चलायी गयी थीं, लेकिन फिर भी अंग्रेजी सरकार के गिरफ्तार लोगों के साथ जेल में मनुष्यता और इन्सानियत का व्यवहार किया था। आज लोगों के साथ इन्सानियत का व्यवहार नहीं हो रहा है।

मैं कहना चाहता हूं कि श्री गोखले को कम से कम संविधान के साथ इस तरह मजाक नहीं करना चाहिए और अपनी शक्ति का दुरुपयोग नहीं करना चाहिए। सदन के जो सदस्य आज जेल में हैं, कम से कम उन के बारे में सूचना समय-समय पर सदन को दी जाये कि वे किस जेल में रखे गये हैं, वे किस हालत में हैं और उन का स्वास्थ्य कैसा है।

अन्त में मैं केवल यह कहना चाहता कि

न रानी रहेगी, न राजा रहेगा,
यह सदन सभी की कहानी कहेगा।

SHRI ERASMO de SEQUEIRA: Mr. Chairman, the only thing I have been happy about while listening to the debate on this Bill is that nobody has said that we are postponing the elections to save democracy, because if that has been said, this Government would have climbed to the commanding height to which they have not been before. The Minister rightly said that liberty does not contain the liberty to

[Shri Erasmo De Sequeira]

destroy democracy itself. Perhaps, he would say that to himself today, because as usual it is what is said to the other side, that is practised by the governing side that saves it. Even the concept of two emergencies is to us a new concept which was created when the second emergency was proclaimed and when Government, through the Minister in his reply to the first debate gave as one of its reasons for postponing the elections that election might contribute to inflation. It is scraping the bottom of the barrel and it is no argument to justify this unwarranted speech.

SHRI H R. GOKHALE: This is the same tune, same refrain and everything is the same. There is nothing to reply to.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

Let the lobby be cleared.

The Lok Sabha divided:

Division No. 25] **[18.10 hrs.**

AYES

Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Ambesh, Shri
Appalanaidu, Shri
Arvind Netam, Shri
Awdhesh Chandra Singh, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shrimali Mukul
Barua, Shri Bedabrata
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandrashekharappa Veerabasappa, Shri T. V.
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Daga, Shri M. C.
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri S N. Singh
Desai, Shri D. D.
Dhamankar, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dube, Shri J. P.
Dwivedi, Shri Nageshwar
Engti, Shi Biren
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gavit, Shri T. H.
Giri, Shri S. B.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.

Jha, Shri Chiranjib
Jitendra Prasad, Shri
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kale, Shri
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D.
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G. Y.
Kureel, Shri B. N.
*Kushok Bakula, Shri
Lakkappa, Shri K.
Mahajan, Shri Vikram
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mayathevar, Shri K.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Mohapatra, Shri Shyam Sunder
Murmu, Shri Yogesh Chandra
Naik, Shri B. V.
Negi, Shri Pratap Singh
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Narsingh Narain
Pandit, Shri S. T.
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Patel, Shri Natwarlal
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patnaik, Shri J. B.
Peje, Shri S. L.
Rai, Shri S. K.
Raju, Shri P. V. G.
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Raut, Shri Bhola
Roy, Shri Bishwanath
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sangliana, Shri
Sankata Prasad, Dr.
Satish Chandra, Shri
Satpathy, Shri Devendra
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafee, Shri A.
Shahnawaz Khan, Shri
Shailani Shri Chandra
Shambhu Nath, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan

*By mistake voted for NOES, corrected to AYES.

Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Siddayya, Shri S. M.
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Sudarsanam, Shri M.
Sunder Lal, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tayyab Hussain, Shri
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri Karan Singh
Yadav, Shri R. P.

NOES

Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Chowhan, Shri Bharat Singh
Dev, Shri Dasaratha
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Horo, Shri N. E.
*Kushok Bakula, Shri
Lakshmikanthamma, Shrimati T.
Mavalankar, Shri P. G.
Modak, Shri Bajoy
Mukherjee, Shri Samar
Mukherjee, Shri Saroj
Ram Deo Singh, Shri
Ramkanwar, Shri
Roy, Dr Saradish
Saha, Shri Gadadhar
Sequeira, Shri Erasmo De
Sher Singh, Prof.
Singh, Shri D. N.

MR. CHAIRMAN : The result of the division is: Ayes—165; Noes—20.

The motion was adopted.

18 18 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, February 5, 1976/Magha 16, 1897 (Saka)

*By mistake voted for 'NOES' Corrected to 'AYES'

GMGIPND—M/NS—2360 LS—978.